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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

3° VICTORIÆ, 1840.

VOL. LII.

COMPRISING THE PERIOD FROM

THE SEVENTH DAY OF FEBRUARY,

TO

THE TWENTY-THIRD DAY OF MARCH, 1840.

Second Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
AND BALDWIN AND CRADOCK; DOLMAN; LONGMAN AND CO.; J. M. RICHARDSON; ALLEN AND CO.; J. HATCHARD AND SON; J. RIDGWAY; E. JEFFERY AND SON; J. RODWELL; CALKIN AND BUDD; R. H. EVANS, J. BIGG; J. BOOTH.

1840.

LONDON:
THOMAS CURSON HANSARD, PATERNOSTER-ROW.

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HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *THIRD SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 16TH JANUARY, 1840, IN THE THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday February 7, 1840.

MINUTES.] Petitions presented. By the Earl of Stanhope, from several places, for Inquiry into the Doctrines of Socialism.—By the Marquess of Downshire, from Individuals connected with Mills, against the Importation of Foreign Flour into Ireland.—By the Marquess of Bute, and the Earl of Minto, from several places in Scotland, against the Intrusion of Ministers into Parishes.—By the Earl of Minto, from Denholme, for the Repeal of the Corn-laws.

SOCIALISM.] Earl *Stanhope* said, he had the honour to present to their Lordships some petitions on the subject of the society of Socialists. The first was from a social community in Hampshire, praying their Lordships to examine Mr. Owen at their bar with respect to the principles of the society. The second was from a similar community in Liverpool to the same effect. The next petition was from several inhabitants of Brighton, who were not members of the society, but who also called for inquiry; and lastly, from inhabitants of Hereford, not members of the society, who likewise requested inquiry. He was not present at the discussion which took place on this subject a few evenings since, but he agreed mainly in the observations that were made by the noble Marquess the Secretary of State for the Home Department on that occasion. When attacks were thus made on particular doctrines and principles, the universal experience of mankind had proved that those attacks had only the effect of creating a re-action in favour of such doctrines and principles. He never could consent that bodies of men, or even a single man, should be stigmatized and condemned, unless previously their principles were examined, and their delinquency proved. The approbation of a community of property, which was charged against these people, was distinctly disclaimed in all the petitions; and a community of wives, which was denounced as one of the most guilty parts of the system, was stated by the petitioners not even to be noticed in the laws and regulations of the society. In fact, those who had petitioned disclaimed all such doctrines. [In proof of this statement, his Lordship read an extract from the constitution of the society.] It appeared to him, that when the subject was before the House, it would have been more proper to have consented to an inquiry, instead of adopting an address to the Throne. There was an increasing conviction in the country (whether erroneous or not, he would not then stop to inquire) that in order to improve the condition of the people, some organic change in the existing system must be effected. Let not their Lordships therefore think, that by any penalty or prosecution they would be able to check the growth of such an opinion. It would grow and increase more and more; and would ultimately force the Legislature to adopt that course which he had frequently recommended—namely, to redress the real grievances of the people.

CONSTABULARY FORCE.] The Duke of *Richmond* wished to know whether his noble Friend, the Secretary for the Home Department, had any objection to lay before the House a return of those places where a rural police had been established? And also whether her Majesty's Government intended this Session to bring in a measure to amend the Constabulary Bill?

The Marquess of *Normanby* said, that as to the first question of the noble Duke, he had no objection to produce such a return; and as to the second question, he had to state, that it was the intention of Government to bring in a measure to amend the Constabulary Bill. It would be shortly brought into Parliament, and he expected to have it in his hands tomorrow. The new measure would not only affect the details, but the machinery of the bill; and would be calculated to relieve certain classes who were at present unjustly taxed.

The Duke of *Richmond* recommended that any measure introduced on this subject should be referred to a select committee. The parish constables might, he thought, be rendered far more efficient than they were at present.

The Marquess of *Normanby*, when the bill came up from the House of Commons, would have no objection to refer it to a select committee.

Subject dropped.

HOUSE OF COMMONS,

Friday, February 7, 1840.

MINUTES.] Bill. Read a first time:—Stage Carriages (Ireland).

Petitions presented. By Mr. Grimsditch, from an Individual, against the Non-compliance with the Standing Orders in respect to the Hull Dock Bill.—By Mr. B. Wall, from West Tiverley, against the Doctrines of the Socialists.—By Mr. Compton, from West Deal, to the same effect.—By Mr. Beamish, from Cork, against the Tithe Commutation Act.—By Mr. Villiers, Lord Morpeth, and Mr. Dennistoun, from a number of places, for the Total and Immediate Repeal of the Corn-laws.—By Mr. Baines, from a Parish in Suffolk, for the Abolition of Ecclesiastical Courts.—By Mr. Hume, from Marylebone, for Pardon to the Monmouth Prisoners.—By Mr. T. Duncombe, from a place in Essex, for the Release of John Thorogood, and the Abolition of Church Rates.

BOARD OF EDUCATION (IRELAND).] Mr. Sergeant *Jackson* wished to put a question to the noble Secretary for Ireland, on a matter of deep interest and importance to the people of that country. He wanted to know whether any change had been made in the regulations under which the Board of Education made grants for schools, since the Committee of the House had sat upon the subject; and if a change had been made, he wanted to know what the nature of it was, and when it was made. He hoped that the noble Lord would give him a satisfactory answer, and save him from the necessity of asking the noble Lord some other questions?

Viscount *Morpeth* said, that the only change which he knew of was one stated in the report of the Board of Education for 1838, which permitted the local committees and patrons of schools to set apart certain hours out of the regular hours for school instruction for the purpose of communicating religious instruction.

Mr. Sergeant *Jackson* wished to be informed whether any change had been made in the queries formerly circulated by the Board among the applicants for schools; and whether, in those applications, it was necessary or not that the application should be the joint application of the clergy of different persuasions?

Viscount *Morpeth* said, that the queries had never been publicly put forth in any document, but had always been regulated at the discretion of the board. A change had recently been made with respect to the queries. Instead of sending them to the applicants, they were sent by the board to the inspectors whom it had appointed, and by those inspectors they were now filled up. With regard to the applications, he did not know that there had been any alteration in the mode in which the aid must be asked for in order to be given. It was laid down in the letter of the noble Lord, who was the founder of those schools in Ireland, that preference should be given to those applications which came from clergymen of different persuasions. The grants, however, were not limited to such applications; they were frequently made in cases where the application came from one clergyman only.

Mr. Sergeant *Jackson*: Would the noble Lord answer him one question more? In the year 1833, the Synod of Ulster had publicly stated the terms on which alone it would receive aid from the Board of Education. Now, he wanted to know, whether there had not been recently a conference between the Board of Education, a deputation from the synod of Ulster, and the Lord-lieutenant of Ireland, and whether that conference had not terminated in an application for aid by the synod of Ulster? He also wanted to know whether that result had been brought about by the Synod of Ulster's abandoning its conditions of 1833, or by the board's abandoning its resolutions?

Viscount *Morpeth* had reason to believe that since his departure from Ireland, conferences had been held upon this subject between a deputation from the Synod of Ulster and the Board of Education, and that at one of those conferences the Lord-lieutenant had been present. He had also reason to hope that the result of that conference would be the establishment of a perfectly good understanding between the Board of Education and the Synod of Ulster. But he did not understand that that good understanding either had arisen or would arise from any departure from the principles which either party had laid down. There had been a removal of misapprehensions, which he believed would ultimately be of great advantage to all parties.

Subject dropped.

Post-office Arrangements.] Mr. *Goulburn* wished to ask the Chancellor of the Exchequer a question respecting the transmission of the votes and proceedings of that House to different parties. Had any arrangement been made by which the votes and bills of the House of Commons might be transmitted post free by Members to their constituents, and by their constituents back again to different Members?

The *Chancellor of the Exchequer* was much obliged to the right hon. Gentleman for asking him this question. He had received within the last few days, through the kindness of the Speaker, a resolution of the Printing Committee, stating that whatever other arrangements might be made by the Post-office as to the transmission of Parliamentary documents, the bills and votes of the House at least ought to pass free of postage. With respect to the proposal of having a franking committee, he had a great objection to open the door again to the abuses of the franking system. He would impress on the House the propriety of not pushing that point, especially as it was easy to make an arrangement having the same effect in a practical form, and in another way. He proposed that this class of Parliamentary proceedings should be free of postage. He proposed that the same course should be adopted in the House of Commons with votes and bills as was adopted with the papers issued by and in the other public departments, namely, that the Post-office should make a charge for them against the department, and the department against the public. This would produce the same effect both to the sender and to the receiver, and would prevent the necessity of opening the door to that system of franking which had been found so full of abuses. If he should be given to understand that this arrangement met with the assent of the House, the Post-office would be instructed to enter into communication with the Speaker for the purpose of accomplishing it.

Creditors of the Duke of York.] Mr. *Leader* would now repeat the question which he had put on a former evening to the noble Secretary for the Colonies, by desire of several of his constituents, who were creditors of the late Duke of York. He wished to know whether the proceeds of the mines at Cape Breton, which had been decided to belong to the late Duke of York, were now applied to colonial purposes or to the liquidation of the debts of that illustrious personage?

Lord *J. Russell* was understood to say, that the question whether the proceeds of these mines could be applied to the liquidation of the Duke of York's debts was still under litigation. As yet there had been no legal decision on the point in dispute. The only decision made was by the Colonial-office, that there should be reserved to the creditors of the Duke of York, if they could prove his claim, the right to receive the proceeds of the mine. The lessees had at first declined to pay the proceeds to the colonial revenue, saying that they might hereafter be called upon to pay the same amount to the creditors of the Duke of York; but it had been decided by the Colonial-office that they should pay the proceeds to the colonial revenue, and be reimbursed by it in case the Duke of York's creditors succeeded.

Mr. *Hume* wanted to know whether the noble Lord would have any objection to lay upon the table a copy of the original grant, by which these mines were granted from the public to the Duke of York, and under which they had been assigned to his creditors?

Lord *J. Russell* could not answer that question, as the whole affair was now in progress of investigation in a court of law.

PRIVILEGE.—STOCKDALE *v.* HANSARD—THE SHERIFFS—ADJOURNED DEBATE.] Lord *J. Russell* moved the resumption of the debate respecting printed papers.

Sir *E. Sugden* said, that in arguing a question involving the jurisdiction of the House, the supremacy of the law, and the rights and liberties of the subject, he would endeavour to avoid saying anything that might give pain to any individual, or give rise to any feelings of discontent on the part of the minority of the House against the majority. He should endeavour to consider what were the rights of the Queen's subjects and of that House in the present case, without regarding whether it might please or displease the House, but in terms which he hoped would give offence to no man. Before he entered on the subject, as there had been some misapprehension as to what his own opinions on this point were, he wished to state explicitly his views. In the first place, speaking with great deference of the judges of the Court of Queen's Bench, he had always been of opinion that they were wrong on this particular point. It was, and had always been, his opinion, that this particular publication—he went no further—was a privileged publication, and therefore, that their decision ought to have been otherwise. But at the same time, the House would be aware, that that in no respect altered his view, for he took this ground, that the point came regularly under discussion, that the Court had to come to some determination on it, and whether they were right or wrong in their determination, was not the question before the House. As regarded the general question of the publication of the proceedings of the House, nobody could be more desirous than he was, to place it on a legal and proper foundation—and guard it by prudent and necessary limits. He thought, that in many cases, the House would be unable to execute its duties unless it should have the power of communicating its proceedings to the public at large. He should be found, therefore, a ready supporter of any separate measure, for giving to the House the extent of power necessary for that purpose. But he was compelled to say, that there were two or three conditions which he thought should accompany or precede it. One was, that the House should no longer sell at random or generally its publications, for he was quite sure, that the sale of papers, at present permitted, had caused great mischief. The other was, that whatever they did publish, they should use so much care and caution as not unnecessarily or wantonly, to injure any individual in the exercise of their right. He was prepared to go to this extent, that if it should be necessary in a given case, in the exercise of their rights, privileges, and duties as a Legislature, to communicate to the public their proceedings, although those proceedings should affect injuriously the rights of an individual, the rights of the individual ought to give way in the particular case to the general good. But they could not claim to injure the legal rights of any man except for the general good, and on terms and conditions in which the public at large were interested. With these few observations, he would draw the attention of the House to the grounds on which he submitted, that the sheriffs should now be discharged. He proposed to advert to some of the observations of his hon. and learned Friend the Solicitor-general, but he would first state why he thought, that the time was now come when the sheriffs might be discharged, without any abandonment by the majority of the House, of any opinion which they had maintained. He need not tell the House, that the time must and would arrive when the sheriffs must be discharged, and that it was only a question of time. Let the House bear in mind, that the law would discharge them, if they themselves did not, and therefore the only question was, whether or not the time had arrived? He must draw the attention of the House for a few moments to the nature of the proceedings upon which those Gentlemen had been committed. The House, he believed, had a good deal lost sight of the nature of the different proceedings. First, an action had been brought by Stockdale, which was tried at *nisi prius* before the Lord Chief Justice. There were two pleas; one of which went in bar, on account of the jurisdiction of the House, and was held by the Lord Chief Justice not to be good in law. The other plea was, that the libel was not proved, inasmuch as the book was obscene and indecent, and therefore, that the plaintiff could not recover. The verdict was against the plaintiff on that occasion, but the House had not thought fit to pursue it further, seeing that Stockdale had sued *in formâ pauperis*. Another action was brought, which the House had determined to defend. The only Member of the House who was consistent on this question, was the right hon. Baronet the Member for Tamworth, who had advised the House, when the resolution of 1837 was under discussion, not to enter an appearance to the action, but to employ their own powers to vindicate their own commitment. The Attorney-general and the hon. Member for Exeter, on the contrary, advised them to plead. A plea was put in, not to the jurisdiction, but in bar, in order to bring the matter regularly before the Court. The Attorney-general defended the action nominally as counsel for Hansard, but really as counsel for the House. After a full and elaborate argument, it was unanimously decided, that the House had not the privilege which they insisted on. What took place afterwards? Another action was brought; the House determined not to appear, and damages were filed against them as a matter of course. When no defence was entered to the action, it was not to be expected that the cause could be maintained. All authorities, constitutional and legal, laid it down, that even in cases where authority and privilege were possessed, a plea in bar must be entered, in order that it might be shown, that the officer had not abused the trust committed to him. In the first action they submitted to the judgment of the Lord Chief Justice on their privileges; in the second, they submitted to the judgment of four judges, and paid damages and costs; in the third action there was no defence, and therefore large damages were recovered. If the House would not maintain their own rights, how could they call on the sheriffs to maintain them? They put the poor sheriffs in the situation of the whipping-boys to great personages at school, who were flogged when the great personage committed a fault, in order to deter their superiors from the commission by fear of the painful infliction. They punished the sheriffs by way of intimidating the judges. Upon what ground of justice had the House made an order that the sheriffs should pay over to Messrs. Hansard the money which had been levied under an order of the Court of Queen's Bench? Upon the last application to the Court, the Lord Chief Justice justly observed, that the money in question belonged as much to the plaintiff in the case as the estate of any Member of the House belonged to him. He had put on the votes a notice of a motion to rescind that resolution, because in his humble opinion it was quite illegal. The House had no power to impose a fine on any of the Queen's subjects; that would not be disputed by any Member of the House. What they had not a power to do directly, they had not a power to do indirectly. He maintained, that to direct the sheriffs to pay to Mr. Hansard that money which the judges of the Queen's Bench said belonged to Stockdale was indirectly to impose a fine upon the sheriffs, just as much as if they had ordered the sheriffs to pay the money out of their own pockets. If they had paid the money according to the order of the House, the House had no means of indemnifying them against the consequences of doing so. He had abstained from holding the slightest communication with the sheriffs—indeed, he had not the honour of knowing them—but he had been told by an hon. Friend of his in the House, that the sheriffs had paid the money to Stockdale, in whose pocket it now was. He could only say, that they had done an act which it would have been well for them and for the House if they had done some months ago; and what had occurred in this case might be a lesson to them and to all men that it was better to take a decided course. Their fault had been that they wished to conciliate the House while following up the directions of the Court of Queen's Bench. Instead of paying the money over at once they had deferred it from week to week in order to avoid the necessity of coming into conflict with the House. If then they were compelled to refund it to Messrs. Hansard, they would be 600*l*. out of pocket, and if that were so, the House would have indirectly imposed a fine on them. Those who thought with him that the sheriffs ought never to have been imprisoned would of course now vote for their release; those who thought the order for paying over the money illegal would also do so; but others who thought the resolution legal, might be moved to take the same course by other considerations. In the first case, that collision and difficulty had arisen which he understood that many Members who had been in favour of the committal thought necessary before the House could recede from the step it had taken in committing the sheriffs. An attachment had issued from the Court to the coroner to attach the sheriffs for non-payment of the money and the money had been paid. He was sorry not to see the coroner in his place, for he would have had an opportunity that did not very often occur to him of congratulating the hon. Gentleman in having escaped from a serious difficulty. If the sheriffs had paid the money to Mr. Hansard, and been let out of prison, the coroner would immediately have walked into Newgate by authority of the Court of Queen's Bench, and the House would have found itself just as powerless to release the coroner as the court now was to release the sheriffs. He put it to the House whether they would insist on their jurisdiction so far as to keep these gentlemen in prison. He knew the proceedings of the House had attracted the attention of foreign jurists. He called on the House and the country to consider what would be said by persons who did not understand the peculiar working of their powers. Could they make foreigners understand the subject? Why, we did not understand it ourselves, there was such a mist of complicated subtlety thrown over it. He defied anybody to understand it. The House came into collision with another court and nobody knew the grounds on which they came into collision. They had kept out of view on the face of the warrant, the cause for which they committed the sheriffs, and merely stated generally that they had been guilty of a contempt of the privileges of the House. The House had issued a general warrant of commitment, and he did not deny, that they had the power to do so, but he doubted very much whether they would long be able to maintain it. When the matter came before the Court, the Lord Chief Justice, seeing no cause stated on the face of the warrant, said, "How can we tell for what reason these prisoners are committed?" The learned judge also made an observation, with which the Attorney-general found fault, "that it was utterly impossible to suppose that a solemn court, committing a man would withdraw from the face of the warrant the cause of commitment, in order that the courts of law might have no opportunity of deciding on it." He entertained that opinion, and believed that it prevailed extensively out of doors, as well as pervaded the great body of the bar and the bench. It would have been much more constitutional, manly, honourable, and straightforward to state the cause of commitment. There was no danger from general warrants in a case of this sort, but he feared that great danger might arise if they were to exercise the power in other matters. The House might wrest the power to worse purposes than it did at present. Suppose the House were to say that any crime or misdemeanour committed out of doors—manslaughter, for instance—was a breach of privilege. He regretted to see the noble Lord opposite, who professed so much zeal for popular liberties, at the head of the party which advocated so dangerous a course. Now, he wished the House to mark how the case really stood. The House, after declaring, that a man had committed a breach of privilege, proceeded to vote his committal to custody, and he stood committed accordingly, and no court in Westminster-hall could release him, when nothing further than a contempt appeared on the face of the warrant. Now, could there be any more odious tyranny than this, or any of which the people of this country had greater reason to be afraid? If the cause of the contempt appeared on the face of the warrant, then a court of law would inquire into its sufficiency, and release the man if it clearly appeared that no contempt had in fact been committed. That point had been particularly referred to in the Aylesbury case, in which it was declared, that if the warrant of commitment stated a cause of commitment which was illegal, that the court must do justice, and discharge the party unlawfully committed. He had seen out of doors a statement that the sheriffs were without excuse, because it was the known law of the country that if the sheriffs received an order from the court, he was bound to obey it, except when he received a counter-order from another court. A great parade of learning had been made upon this subject, and it was even stated that the decision of the Court of Queen's Bench on the question of the *habeas corpus* proved that the sheriffs were in the wrong.

Now, anything more grossly wrong in point of law than this he had never heard. He need only state, to show how much they were mistaken, that at this present moment there was an attachment out against the sheriffs from the Court of Queen's Bench, while the Sheriffs were also in the custody of the Sergeant-at-Arms for obeying the orders of the Court. The House of Commons had committed them to the custody of the Sergeant-at-Arms because they had declined to pay over the money to Messrs. Hansard, and the Court of Queen's Bench attached them for not paying it over to Stockdale. This was one clear ground for their discharge. But there was another ground for their release. The sheriffs had been committed by the House to the custody of the Sergeant-at-Arms, because they had obeyed the orders of the Court of Queen's Bench. Now, since that time, the House itself had obeyed the order of that Court, in making a return to the writ of *habeas corpus*. He asked them, then, whether they would play with the court in this manner, taking the Queen's writ in one hand, and the sheriffs in the other, and yet, at the same time, imprisoning the sheriffs for yielding the same obedience to the Court which the House had itself paid. He would further remind the House, that if, upon the return to the writ of *habeas corpus*, the Court of Queen's Bench had ordered the release of the sheriffs, it would have been utterly beyond the power of the House to remedy what had been done. What they were now performing would be history. These things would be read of hereafter by thousands and tens of thousands, who would consider mildly and calmly the course which the House was now pursuing. The Solicitor-general had told the House, that if the sheriffs obeyed the House, the House would protect the sheriffs. But what did this protection amount to? Why, it came to this—that if the tipstaff of the Court of Queen's Bench took the sheriffs into custody, then the Sergeant-at-Arms would be directed to take the tipstaff. Practically speaking, the House could only execute its orders by force: and what would be the result of force? It was historically known, that on a similar occasion, five or six Members of the House were named, who undertook to storm Newgate, and set somebody confined within its walls at liberty, which insane project would actually have been carried into execution, if the Speaker had not suggested that it was worthy of consideration whether the gentlemen might not make themselves liable to an action on the case, which words, "action on the case," so alarmed the gentlemen in question, that they gave up the attempt for which they had volunteered, and nothing further was heard on the matter. The noble Lord would not act calmly, if in deciding upon this matter he allowed himself to be influenced by any strong language which might be contained in any petitions which had been presented on the subject of the imprisonment of the sheriffs. Strong language might have been used in the petition presented from the city, but the House must expect this. He could not help alluding to the petition which he had had the honour to present, signed by 599 members of the bar, 27 of whom were Queen's counsel and sergeants. There never was a petition addressed to that House which better deserved attention than this, both on account of the temperate nature of the language employed, and the respectability and learning of the parties by whom it was signed. The petition also of the Common-hall, which had been presented that day, contained no offensive expression. The question now arose, if the House was not now prepared to release the sheriffs, when would the time arrive? The money, as he was informed, had already been paid to Stockdale, and he was glad of it. The House would thus be relieved from much difficulty, and no question could arise, respecting any conduct which the coroner might think proper to pursue. Now, his hon. and learned Friend, the Solicitor-general said, that the sheriffs ought never to be released till they had paid the money to Messrs. Hansard; but the sheriffs had paid the money to Stockdale. Would the House keep them in confinement till they had paid the money out of their own pockets? The Solicitor-general carried the matter so far, that he proposed that the House should address the Crown, and pray the Crown not to prorogue the Parliament. Worse advice never was tendered. Anything more untenable could hardly be conceived, and he deeply regretted that his hon. and learned Friend, in the first speech which he had made after taking [illegible]ffice, should have made a speech which ill became an officer of the Crown who might have to prosecute the parties. In a speech of this nature there should be used mildness, and temper, and moderation.—[*A laugh.*] He understood that laugh; those who laughed thought there should not, and if so, they must be delighted with the Solicitor-general. There was no mildness, no temper, no moderation in his speech. He never heard a speech with greater regret in his life than that of his hon. and learned Friend, and he knew not why he should not say so. Then, again, there was the hon. and learned Gentleman, the Attorney-general, who treated the sufferings of the sheriffs so lightly; he certainly could not congratulate the noble Lord on his assessors. But the Solicitor-general said, "act on your own powers," and then followed this lamentable inconsistency—"Address the Crown, throw yourselves on the Crown, and be at the mercy of the Crown for the vindication of your privileges." All this was very well; but suppose Queen Victoria should deliver such an answer to such an address as Queen Anne did when she was addressed by the House of Commons not to issue a writ of error in the Aylesbury case. The answer of Queen Anne was this—

> "Her Majesty is much troubled to find the House of Commons of opinion that her granting the writs of error is against their privileges, of which she will always be as tender as of her own prerogative, and therefore the House of Commons may depend Her Majesty will not do anything to give them any just cause of complaint."

So far so good; but let the House mark what followed—

> "But this matter, relating to the course of judicial proceedings, being of the highest importance, Her Majesty thinks it necessary to weigh and consider very carefully what may be proper for her to do in a matter of so great concern."

With this reply the House of Commons was so displeased that they returned no answer. But what did the House of Lords do? They also presented an address to the Crown, which was drawn by Lord Somers, for whom the noble Lord might feel some respect, in which the Lords said, that it would not be just not to grant the writs of error. The Queen's answer was as follows:—

> "My Lords, I should have granted the writs of error in this address, but finding an absolute necessity of putting an immediate end to this session, I am sensible there would have been no further proceedings upon that matter."

And the Lords thanked her Majesty for that gracious answer. In what a position, then, might not the House be placed if they followed the advice of the Solicitor-General. It had been said, that the sheriffs had acted improperly, but the Court of Queen's Bench said, that they had acted very properly. The Lord Chief Justice said, "the sheriffs had certainly conducted themselves in a way that did them great honour, and had, as all persons were bound to do, endured patiently the distressing circumstances in which they had been placed by their obedience to the law of the land, which law it was the province of that court to declare." The Solicitor-General had said, that it was an insult to that House to mention the oath by which the sheriffs were bound. He was free to confess, that the sheriffs would have committed no breach of their oath if they had declined to pay in consequence of orders from a higher tribunal. But that was the very point in dispute. They must obey the court of law, if the court was right, and disobey the House, if the House was wrong; and at present there was a conflict between the two jurisdictions. He thought that the oath taken by the sheriffs did not prevent their obeying the order of the House, if the House had the power of issuing it; but this was denied. The present case was entirely different from cases arising on the law of arrest to which it had been compared—there was no analogy between them. This was a case on which the deliberate opinion of a court of law had been given, and that opinion was, that the House had not the power to enforce the order which it had issued. The question was not whether the sheriffs would break their oath by obeying the order of that House, but whether they believed themselves bound to obey the Court of Queen's Bench according to their oath? It was clear that they could obey but one, either that House or the Court of Queen's Bench. But which were they bound to obey? Did not their oath bind them to obey the Court of Queen's Bench? But who told them that they were bound by their oaths? The judges of the Court of Queen's Bench; and could they have a greater authority than that of the judges of the court, whose ministers they were? Upon all those grounds he would humbly submit to the House, that the time had arrived when the sheriffs ought to be released. He believed, that the longer they detained the sheriffs, the greater would be the difficulties in which they would find themselves entangled. He deeply felt the situation in which the House now stood; and he hoped that those Gentlemen who had held the opinion that it was right to commit the sheriffs would now think it right to release them. He thought he should not do his duty on the present occasion if he did not show that the Solicitor-general had formed very incorrect arguments upon the authorities he had adduced, and that if the House were to follow the advice tendered by the hon. and learned Gentleman, it would find itself in much greater difficulties than it was even at that moment. The Solicitor-general had said, that the House was bound to support the resolutions of 1837, and that he himself was ready to do so. He had said to the House, "Support your jurisdiction against the jurisdiction of the courts of common law and of the House of Lords. You must maintain your jurisdiction by force and coercion if necessary against the judicial authorities of the land." So, then, they were to oppose the House of Lords, the Court of Queen's Bench, and every authority in the land. It was very singular that the hon. and learned Gentleman had desired the House to support those resolutions of 1837, there not being a single authority in the House who had not discarded and repudiated them. There was not a constitutional opinion in the country that was not directly against them. If they could be maintained, there was an end to the liberties of the country. Certainly that must be the case if they maintained that they had the power of deciding their own privileges, and that no court or tribunal in the country had a right to interfere with them. He would show the House, that the pretensions which had been set forth in former days, which had been referred to, were entirely unfounded. It was said, that they might punish the officer if they pleased; and so they might. Sir Thomas Meere said, 130 years ago,

> "Well, but we can punish the officer, and in that there is revenge; and that is a sweet bit, and some satisfaction."

He trusted that his name, humble as it was, would never be transmitted to the knowledge of posterity, coupled with any such wish having been expressed by him. He disclaimed any participation in the course which the Solicitor-general had recommended. It was the hon. and learned Gentleman's own bantling; he had fondled and nursed it with great attention, but he would never be able to bring it to maturity. The resolutions of 1837 would die a natural death: they were dead. Yet there was nothing to fear, for the House and its proper privileges would survive the bereavement. His hon. and learned Friend, the Attorney-general had given up those resolutions long ago. Ever since his hon. and learned Friend advised the House to plead in the case of "Stockdale and Hansard," he had abandoned the resolutions. What was the meaning of those resolutions? Why, that whatever the House thought proper to declare to be privilege must be privilege. But his hon. and learned Friend, the Attorney-general gave them up, and against the remonstrance of the right hon. Baronet, the Member for Tamworth, and other hon. Members, he maintained that the right and proper course to be pursued was to plead. The House could not maintain the resolutions of 1837; the Attorney-general knew it, and the Solicitor-general was left by himself to do so. Those resolutions had struck a severer blow at the liberties of the country than any one act which had been done since the days of the Long Parliament. The Solicitor-general had said—"Oppose the House of Lords and the judges of the land, and I will show you that success must attend you, as it always has attended you." Now, he would show that the Solicitor-general was entirely mistaken when he told them that they must succeed if they followed his advice, and continued to oppose the judges and the House of Lords as a judicial tribunal. He would show that success never had attended that course, but that the House had always been forced to give way, and give way it ever must. Having shown that, he would leave the House to judge whether the time had not arrived when, by administering justice with mercy, if they would so have it, they ought to release the sheriffs. The hon. and learned Gentleman had said, "If you trust to the judges at all, your power is gone; you will no longer maintain your privileges." The hon. and learned Gentleman had been endeavouring to inflame the minds of hon. Members by reminding them of the days of Judge Jefferies, and of the doings of bad judges of other times, taking care, of course, to pass a compliment upon the present judges. The judges of past days were wicked and execrable, and perhaps future judges might be worse, but the present were, of course, most excellent and able. The hon. and learned Gentleman had said it was not a fair argument to go from the use of a thing to the abuse of it. That was true, and if he were to dwell on the mistakes of former Parliaments, if he were to dwell upon the conduct of the Long Parliaments, what would the hon. and learned Gentleman say of the abuse of the powers of the House? He was ready to admit that the House, as well as all other human tribunals, might and must err; but he did not mean to say that it always erred. The resolutions of 1837, he maintained, were erroneous, and it would be erroneous to attempt to enforce them. But, in fact, they were destroyed the moment the Attorney-general went on with this case. Suppose they had gone to the House of Lords upon this question? Why should they not? That House would have tried it as a judicial question. Their lives, their properties, and everything depended ultimately on that House, and why should they be afraid to trust this question with the Lords? There could be no fear that they would act improperly, because the privileges of the Commons, were equally the privileges of the Lords. If, therefore, they could have a favourable tribunal, it must be the House of Lords, who would participate in all their privileges, and there could not be stronger ground. If the House of Lords were to decide against the privileges of the Commons, they would decide against their own at the same time. But if they followed the advice of the Solicitor-general, so far from being successful, they would ultimately be defeated by the excessive use of the privileges which they claimed. What success had attended them hitherto? In the first action in this case, though the verdict was for the defendant, they were defeated in point of fact; in the second action, privilege was pleaded, but demurred to, and the verdict was for the plaintiff; and in the third action judgment was suffered to go by default, and damages were awarded to the plaintiff. Now, all the success they had was this—they had got the sheriffs of London and Middlesex in the custody of their officer, and the money was at that moment in the pocket of the plaintiff Stockdale, from whom they would never recover it. He begged now to draw the attention of the House to the great case of "Ashby v. White." An action was brought by Ashby against the returning officer for not allowing him to vote at an election. It was decided by three judges against Lord Chief Justice Holt, that the action did not lie. A writ of error took the question before the House of Lords, and that House decided, by a large majority that an action did lie. Five of the judges were of opinion that the action did, and four that it did not, lie, and two judges were absent. A few days after the decision of the House of Lords, the attention of the House of Commons was called to the subject. The Commons looked with alarm at the interference of the Lords with what they considered to be under its sole jurisdiction. On looking into the debates of that period he found that the Speaker was against the privilege claimed by the House. So also were Sir John Hawkes, who was Solicitor-general in the time of William 3rd, the Marquis of Hartington, afterwards Duke of Devonshire, Sir Joseph Jekyll, afterwards Master of the Rolls, Mr. Dormer, afterwards Mr. Justice Dormer, Mr. Cowper, afterwards Earl Cowper and Lord Chancellor, Mr. King, afterwards Lord King and Lord Chancellor, Sir Thomas Littleton, and Mr. afterwards Sir Robert Walpole. The whole of those eminent persons spoke against the assumed jurisdiction of the House of Commons. The decision of the House of Lords was given on the 14th of January, 1704, and the House of Commons on the 17th passed the following resolutions:—

> "Resolved, — First, that Ashby in commencing and prosecuting his action has been guilty of a breach of privilege. Resolved secondly,—That whoever shall presume to commence any such action or other proceeding and all other attornies, solicitors, counsellors, and sergeants-at-law, soliciting, prosecuting, or pleading, in any such case, are guilty of a high breach of the privileges of this House; and that these resolutions be fixed upon the gate of Westminster-hall."

The attention of the Lords was soon called to these resolutions, and they drew up a report upon the subject. In that report they set forth what was well worthy of the consideration of the noble Lord the Colonial Secretary, and the Solicitor-general. They set forth a case in which the House of Commons had itself appealed to the House of Lords in order to protect its privileges by the judgment of that House. They set forth the decision in a court of common law against Sir John Eliot and others, for words spoken, heavy fines being imposed upon them. In 1640 the House of Commons resolved that it was a breach of privilege, and against the law and privilege of Parliament; but after the restoration, the House of Commons desired to place the matter upon a surer foundation as they could not think the great privilege of speech safe, whilst so solemn a judgment continued in force. Therefore, in 1667, they resolved that the judgment was illegal. But, not being satisfied with their own authority in that respect, they prayed a conference with the Lords, and their Lordships' concurrence in their resolution. That conference was had, and the Lords, as it was stated, at the desire of the Commons, directed a writ of error to be brought into Parliament, to the end that there might be a judicial determination of that great point, which was done accordingly, and on the 15th of September, 1668, the House of Lords reversed the decision of the court below, to the great satisfaction of the House of Commons. But upon this report, they resolved in the case of "Ashby v. White":—

"1. That the action could be maintained. 2. That the declaring Ashby guilty of a breach of the privileges of the House of Commons, for prosecuting his action after he had in the known and proper methods of law, obtained a judgment in Parliament for the recovery of his damages, was an unprecedented attempt upon the judicature of Parliament, and was in effect to subject the laws of England to the votes of the House of Commons. 3. That the deterring electors from prosecuting actions in the ordinary course of law, and terrifying attornies, solicitors, counsellors, and sergeants-at-law from soliciting, prosecuting, and pleading in such cases, by voting their so doing a breach of the privileges of the House of Commons, is a manifest assuming to control the law, to hinder the course of justice, and subject the property of Englishmen to the arbitrary votes of the House of Commons."

The next step was that after the Session, Ashby took out an execution on his judgment, and recovered his damages; and after the House was prorogued five other persons brought five new actions by the same attorney. In the next Session, the House of Commons resolved:—

"That all the parties had been guilty of a breach of privilege in bringing their action contrary to their declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House."

The like resolution was passed with regard to the attorney who brought the several actions. The House then sent all the five plaintiffs to Newgate, and the attorney was committed to the custody of the Sergeant-at-arms. Writs of *habeas corpus* were obtained, and the five plaintiffs were brought before the Court of King's Bench, but the court remanded them as it had done in the present case, being of opinion that the court had no power to review committals made by that House. The House of Commons began to be alarmed about the custody of their prisoners; unlike the noble Lord, who first committed men to the custody of the Sergeant-at-arms, and then to Newgate, they having first sent them to Newgate, removed them to the custody of the Sergeant-at-arms in the middle of the night. Lord Somers, who was no mean authority, said, that removal was made with an aggravation of circumstances which was much to be deplored. The next step of the Lords was to grant to the counsel and attornies of the prisoners the protection and privilege of the House, and prohibited all sergeants-at-arms and others from arresting or detaining them. But the Commons did arrest one of the counsel, and shortly afterwards another. These learned persons sued out writs of error before the Lord Keeper. The House of Lords then entered upon new resolutions:—

"That neither House of Parliament hath any power by any vote or declaration to create to themselves any new privilege that is not warranted by the known laws and customs of Parliament."

Now, that was rather an inconvenient resolution to place in juxta position with the resolutions of 1837; the one was legal, the other illegal; the one was constitutional, and the other unconstitutional. The House of Lords further resolved:—

"That the House of Commons, in committing the plaintiffs to Newgate upon pretence that their conduct was contrary to a declaration of that House, a contempt of their jurisdiction, and a breach of the privileges of the House of Commons, have assumed to themselves alone a legislative power, by pretending to attribute the force of a law to their declaration, have claimed a jurisdiction not warranted by the constitution, and have assumed a new privilege to which they can show no title, and have thereby, as far as in them lies, subjected the rights of Englishmen and the freedom of their persons, to the arbitrary votes of the House of Commons."

Another conference with the Lords took place, after which the House of Commons resolved,

"1. That no commoner of England committed by the House of Commons for breach of privilege, or contempt of the House, ought to be by any writ of *habeas corpus* made to appear in any other place or before any other judicature during that Session of Parliament wherein such person was so committed. 2. That the Sergeant-at-arms do make no return of, or yield any obedience to, the writs of *habeas corpus*, and for such his refusal he have the protection of the House of Commons. 3. That the Lord Keeper be made acquainted with these resolutions, that he may supersede the writs."

Those were rather strong resolutions. Even the Solicitor-general himself did not go so far as that. It was true, that in Lord Shaftesbury's case, the House of Lords did actually rescind its own resolutions; but that did not affect his present argument. Parliament was prorogued, and then dissolved. What was the result? In every one of those actions the plaintiffs recovered the damages and costs, and put them into their pockets, and set the House at defiance. From that moment to this, the House had never resumed its jurisdiction; there was no case in which that point had been raised. He was not then talking of Polack's case. The law of that case was left to the House of Lords. The case of "Ashby *v.* White" was to this day the law of this country in point of principle, and must remain so until reversed. It never had been reversed yet, and, therefore, it must be taken as the existing law. What did he infer from that? He was showing that they had not the power, and could not maintain the power, which they had assumed: and furthermore, that when the Solicitor-general told them that success would attend the course they took, he told them that which was incorrect. True, success had attended them in some cases, as in that of "Burdett and Abbott," but not by committing parties into the custody of the Sergeant-at-Arms, but by going to the courts of law, and submitting to the adjudication. As they were right, the courts decided in their favour; and the hon. and learned Gentleman would go into a court of law now, if he knew that court would decide for him, but never while he fancied it would be against him. Prudence enough was exercised in the course which had been pursued. The warrant was prudently kept out of court. They kept from the knowledge of the court the ground of committal, for fear the court, knowing it, should order the release of their prisoners. That fact was concealed which the Attorney-general had told the House would be a vindication of the conduct of the sheriffs, and a ground upon which the Court of Queen's Bench would order their liberation. They might have a strong case in point of law, but not in point of justice. Now, suppose Stockdale were to bring an action, which he would, no doubt, in the vacation, against the Serjeant-at-Arms for false imprisonment. He knew what they would do. They would act prudently. They would go and plead in bar, because they knew it would be a good plea. They would submit to the court, because it would be prudent so to do, knowing that the court would decide for them. But if they thought the court would be against them, they would not go to that court. But was that a proper course for the House to pursue? Was it right that the country should on one day see them committing men into the custody of their officer when they knew the court would be against them, and on another day going for defence to the authority of that court, because they knew that it must relieve them? Was that a course in which the country could support them? Could they themselves approve of it? He hoped not. He should be sorry if they did. He had some doubts whether what had taken place in that House on this subject was not calculated very much to impede the course of justice in the courts of common law. He felt inclined to ask an hon. Gentleman whom he saw opposite, and who was connected with the disturbed district, whether what took place in that House was at all likely to increase the respect of the discontented for that House? Could the people one day hear the Attorney-general talk of the weight and importance of the law, of the high character and gravity of the judges, and that they might safely place their lives and liberties in the hands of those judges, and on the next day hear the same Attorney-general in that House contemning the jurisdiction of those very judges, and deriding them? Such a course could not be advantageous either to the House itself, or to the authority of the law. The hon. and learned Gentleman had spoken of the Court of Queen's Bench outraging the law, and sending sheriff after sheriff to Newgate. The court would not outrage the law by compelling obedience to the law. The oaths of the judges compelled them to do so; they could have no election. But that House was not bound to take such a course by any oath. The House ought, and might constitutionally, support its privileges; but it must not go against the law. They must look to some other mode of enforcing them. He implored them to release the sheriffs. That was a step which he besought them to take for the sake of policy, expediency, justice, public opinion, and the peace of the country. Upon all these grounds he implored the noble Lord to set a noble example, and agree to release the sheriffs at once. The House was that evening to adjourn to Tuesday for the purpose of joining in the festivities which were to take place on Monday, and of which, no doubt, every subject of this realm would partake with unfeigned pleasure. Was it desirable that upon such an occasion, the sheriffs of the city of London should be absent from the festive board of the great civic body to which they belonged? He had no wish to deprive the noble Lord of the grace appertaining to a proposal for the liberation of the sheriffs upon that ground. He had endeavoured to address the House in a temper which he hoped was suited to such an occasion, and he trusted that whatever discussion might ensue would be carried on in the spirit which he had aimed at maintaining, and he should by no means wish to press the noble Lord with respect to the ground of liberation to which he had just adverted, but he could not help noticing it, and he could not help saying, that he thought it well worthy of attentive consideration.

The *Lord-Advocate** stated, that he felt some difficulty in rising to address the House, in reply to the able speech of the right hon. Gentleman; but he trusted that the House would extend its indulgence to him, and allow him shortly to explain the grounds on which he had arrived at, directly the contrary conclusion to that of the right hon. Gentleman. Before he proceeded further, he hoped that he should be allowed to state, that it had been a matter of great gratification to his mind to listen, a few nights ago, to the very learned and eloquent speech of his learned Friend, the Member for Exeter, who did not hesitate to say, that it was not possible the judgment of the Court of Queen's Bench, on the question of privilege, could be maintained. So clearly and distinctly did he think on this point, that he advised the House to agree to appear in court to the next action, and to plead its privileges; and if this plea were not allowed, in the Court of Queen's Bench, he recommended that it should go to the other judges in the Exchequer Chamber; and if this failed, to appeal, in the last instance, to the House of Lords; and he stated that he was satisfied, that at length their undoubted privilege of the right of publication would be allowed, and thus the privileges of the House vindicated. He trusted that the authority of his learned Friend would not induce the House to pursue such a perilous course. His hon. Friend admitted that the privileges originally belonged to us by the law of Parliament, and therefore, by the law of the land. He also found, that on the question of publication, the right hon. and learned Gentleman opposite, observed, that if the Court of Queen's Bench disallowed their privilege on this particular point, they must devise some means of protecting it, for he thought that it was just, and must be maintained. The right hon. Gentleman even went further, and made use of a strong argument on this question of privilege, for he said, that if in a warrant of commitment by the House, they stated in the face of it the particular cause and grounds of committal, and declared that such offence was declared and held by that House to be a breach of its privileges, that he would maintain that the court was bound to observe these privileges, and that it must be regarded as sufficient. He could hardly require a more clear and distinct acknowledgment of those privileges than this of the right hon. Gentleman. He should not go into the question as to the grounds on which the exercise of their privilege rested in this case, as the House must be acquainted with it, for it was not only determined by a great majority last year, but on several occasions during the present Session, such, for instance, in the proceedings previous to the committal of Mr. Stockdale; again, previous to the reprimand of Mr. Howard; again, previous to the committal of the sheriffs; and even yesterday, on the question of the committal of Mr. Howard; he would, therefore, not go over the grounds, but should assume, that the House was in possession of the details of the question of privilege. Independent of this, it was held by one of the most learned judges this country has produced, that Parliament, before its separation into two Houses, held all the privileges essential to the due discharge of their functions; and when it separated into two Houses, each took from the common stock all their rights and powers which were deemed necessary, and without which their common duties could not be performed. Among other things it was considered essential that they should have the privilege of publication, without which their duties could never be satifactorily or usefully performed; and not only to themselves, it was essential to their constituents and the country at large, that they should have such papers of that House as it deemed necessary. Another question was, whether that House was not a court of original jurisdiction to determine on all cases that came before it. And here he must remark, that this part of the case had been left altogether untouched by the right hon. Gentleman; and be it remarked, that this was a chief part of the case to justify the whole of their privileges and their present proceedings. But in the outset he would correct the right hon. Gentleman as to the resolutions of 1837, although he admitted that they were not altogether drawn in the terms which he should have preferred; but in substance, they so far as was necessary, guarded the leading privileges that belonged to that House, as a court of original jurisdiction, and declared, that the House alone could adjudicate upon the question of its own privileges, and that this right could not be abandoned, but was as essential to them as their own privileges. It was, then, not an abandonment of this right when it amounted to the plea being put in to the action in the Court of Queen's Bench, as was clearly shown, a few nights ago, by his hon. and learned Friend, the Member for Newark, and as was also proved at great length in the learned and able argument of his hon. and learned Friend, the Member for Edinburgh before the Court of Queen's Bench. The right of adjudication was one of their privileges, it was one of their exclusive rights, and the House did not, in any case, allow this matter to be determined in a court of common law, but it must be decided by the Court of Parliament, according to the law of Parliament, of which the courts of common law had no cognizance. It was, therefore, impossible that, by allowing a plea of their privileges to be pleaded in a court below, they allowed the privileges themselves to be investigated or called in question. It was clear that the law of Parliament could only be known to Parliament; and the law of Parliament was just as much the law of the land as the law of equity, the law of the Admiralty Court, and the ecclesiastical law in the Consistorial and other courts. These were all independent of the common law, and were administered quite distinct, and independent of the Court of Queen's Bench and the other common law courts. All these originally formed the law of the land, and each particular branch was independent of the other. The courts of law, then, could not know any thing about them, or determine upon any thing as a breach of the privileges of Parliament, and it was a great and essential principle that that House should have the exclusive right of interpreting what was the law of Parliament as regarded itself. Again, the courts of law could not possibly be acquainted with their privileges, as they could not know what was necessary for the discharge of its functions. It was possible that men might draw knowledge from books as to the law of Parliament—these might be either judges or persons who were not judges—they might be more or less learned in the law of Parliament, but this did not enable them to know what the exigencies of the Parliament were, and what was essential to its privileges, for that was a point which Parliament itself alone could determine. What other body shall know what is essential to Parliament in its legislative, its judicial, or its counselling capacity? who else shall know and determine what privilege is necessary for it as regarded their constituents? who else shall know what privilege was necessary for it as the great inquest of the nation? who else shall know and determine what privileges were necessary for the discharge of its functions but Parliament itself? and what other body could determine as to the use and practice of their privileges? But they would put all the privileges of the Parliament in jeopardy by admitting that, by allowing a plea of their privileges to be used in a court of common law, they allowed any individual to question them. If you once allow them to be questioned before a court of justice you may be drawn at length before the House of Lords, and may thus injure your privileges as a co-ordinate branch of the Legislature. And let the House take care, that it did not suffer in the struggle; but as respects many privileges of both Houses of Parliament, the other House might wish to preserve what was common and equally necessary for both; but this House required other privileges, having duties, functions, and powers different from the House of Lords, as well as those common to both. On this subject nothing was more essential than this privilege of publication; for that House, as the representatives of the people, and drawing their powers from popular constituencies, were engaged in essential and important inquiries as the great inquisition of the nation, and, therefore, in this, as in other cases, the privileges of this House were not identical with the privileges of the House of Lords. There was another point—there was a resolution made by that House at the commencement of each Session, that it was a high breach of the privileges of that House for any Peer to take part in any election of Members to that House. Now the House of Lords, if called upon to interpret the law of Parliament, would never allow this to be a breach of this law. The House of Lords would not regard this question of publication as a breach of privilege, as that House would do; therefore the House would not willingly allow a question of this kind to be referred to that House; but you would be compelled to do so if you submitted the question of privilege to a court of law, and appealed, as suggested. By pursuing the course proposed by his hon. and learned Friend, the jurisdiction of that House would be brought under the cognizance of the House of Lords, which they must recollect was, as it were, a rival branch of the Legislature, and they looked at least with jealousy at the situation in which their privileges would be placed, and they must acknowledge that it would be one of considerable danger. Was it then admitted, that the House had the power of adjudicating on questions regarding its own privileges? It was admitted once by the right hon. Gentleman that the publication of papers, not only for its own Members, but for the country generally, was essential. When, therefore, his learned Friend admitted that in a case of privilege, the Court of Queen's Bench had given a bad adjudication, ought not that House to consider it as nothing, but work by its own light, and not hand over the determination of its privileges to any court? There might be cases in which the question of privilege might be incidentally raised in the Court of Queen's Bench, and the court, in order to endeavour to extend its jurisdiction, might proceed to consider what was the law of Parliament, and also how it was administered. This was a question in which no ambiguity should be left, and no point should be left on which it might be said that Parliament had given no decision; and this part of the law of Parliament was one upon which there could be no mistake, for in that identical case of Stockdale v. Hansard, the House had come to specific resolutions, and declared their privilege of publication, and that the proceedings in this case had been a breach of the privileges of Parliament. He regretted the language that had been used both within and without that House on this subject. The hon. Member for Oxford stated, that the proceedings of that House had been sanctioned by a tyrant majority, because the sheriffs determined to execute a writ, and because they levied money upon the servant of the House, and when ordered to pay it over, they withheld it. The House had committed the sheriffs for refusing to obey its orders, and it could not now liberate them. He wished the House and the country to consider against whom this charge of tyranny and oppression was brought; for his own part, he had no hesitation in saying that if any person was guilty of tyranny, it was the courts of law, and not the House. It was always held a good execution of the writ in the courts of law that it was not to be executed against privileged persons. The sheriffs took an oath to execute all writs directed to them, but not against persons privileged by the law of the land. The courts had repeatedly admitted the plea of privilege when attempts were made to attach the sheriffs for not executing writs. There was a remarkable instance of this in the case of Kensington Palace, when the Court of Queen's Bench held it to be a good excuse for the sheriffs not serving the writ that they would be liable to proceedings against them before the Board of Green Cloth if they executed a writ in a royal residence. All the judges held this to be a valid excuse, because the law was declaratory and directed that the sheriffs should not execute writs against privileged persons. The sheriffs had, in this instance, been prevented from executing the writ directed to them by the order of the House of Commons, according to the law of Parliament, and that was part and parcel of the law of the land. Was any suitor entitled to say that they should go in and execute that writ at their peril—he would say legal peril? He could perfectly understand that argument, if the legality of the orders of that House could be disputed; if a court of common law could with propriety overrule their judgment in questions of privilege, and say that they had decided improperly. But if that could not be the real state of the question—if by the law of parliament, being part of the law of the land, the order of the House was legal, and the Court of Queen's Bench had no right to reverse or challenge those orders, and that by one of those orders the sheriffs were prevented from executing the writ directed to them, would not that be sufficient excuse for them? If the result in the former case were admitted, why should it not be allowed in the latter? It was said that if it were part and parcel of the law of the land, then it was brought under the jurisdiction of the Court of Queen's Bench; but then it was also said, it should not be part and parcel of the law of the land, if the courts were unable to enforce it [*Hear, hear.*] Who were the sheriffs? They were not the officers of this House, though they were officers in a situation eminently entitling them to protection, because, as he understood, they were officers not serving by their own choice, but by direction. They were the officers of the Court of Queen's Bench. They were now in a situation in which they could not execute the writ directed to them, and from which situation the Queen's Bench could not extricate them. Suppose that the sheriffs and all the under-sheriffs were attached, as they might be, by an order of this House, and they said to the Court of Queen's Bench, "We are in prison, relieve us from this difficulty and embarrassment," the Court of Queen's Bench could only answer that demand by saying they could not give them any protection, they could not release them from that embarrassment. If such a question were to arise in Scotland, and it might arise there, that a person charged with the execution of a writ of a court should be prevented from executing that writ by an order of the House of Commons, and which had been decided obligatory as to a question of privilege, he should give his most confident opinion that the officers of the court, not executing a writ under such circumstances, could not be made responsible to a court, who could not say "We cannot give you protection from the responsibility of executing it." If the courts in all other cases, such as warrants, &c., allowed the orders of Parliament to be binding, in justice they were bound to do so in this instance. They had been told a great deal about the sheriffs; they were now at hand, and were ordered by the House to pay the money, not to Stockdale, but to Hansard; they had the money in their hands when they received that order. He would say, that in not obeying that order they had committed a breach of privilege; they were guilty, he must use the word, strong as it was, of an act of contumacy against the House. They had not only not obeyed the order, but having the money in their hands, they had contumaciously disobeyed it. They had no petition from the sheriffs throwing themselves on the indulgence of the House, stating the circumstances in which they were placed, and claiming the commiseration of the House in their condition. And yet the House was called on to release persons guilty of acts of contumacy towards them on the interference of third persons who stated that the House acted with double oppression. Moreover, whilst those persons had not petitioned that House, they had, as he saw by the proceedings of the other House, presented a petition to that House, and called for the interference of that branch of the Legislature. If they might believe what was reported as taking place in the other House, they were told that that House could not interfere here, although there might be a prospect of relief if the question ultimately came before them in their appellate jurisdiction. They had been blamed for the course they had taken in granting a general warrant, without expressing the particular cause which formed the breach of privilege and strangely blamed, he thought, by the right hon. and learned Member for Ripon, who admitted that even if the particular cause had been expressed, the prisoners could have been equally remanded. That they had privileges, to which the courts of law had no objection, had been perfectly admitted; for instance, the privilege against the personal arrest of Members, and many cases on that point, such as "Burdett v. Abbott," might be cited. They were satisfied that those privileges existed, and, as it would appear, on clear and unanswerable grounds; and yet a court of common law had chosen to overrule them though decided on by that House, so that they were now compelled to resort to those means which the constitution gave them to mark out and vindicate them. The powers of this House might be imperfect, because they had not the powers of the House of Lords or the Court of Chancery to impose perpetual imprisonment: but because their powers were imperfect were they not to exercise them? If a person were strong, he might afford to restrain his power, but if he were weak, he must do all he could, and omit no occasion for using the strength he possessed. He would say that the House ought not to liberate the sheriffs, who had been guilty of contumacy, but that they should continue to go on in the course of detaining those gentlemen on the same ground on which they had arrested them. He was sorry to have detained the House so long, but he felt that on a question of this kind, he should receive the indulgence of the House if he ventured to state the grounds on which he came to a conclusion directly opposite to that of the right hon. Member for Ripon, that the

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* From an inability to hear the noble Lord, our report is but a sketch of a speech which was much and repeatedly cheered by the House.

House ought not to release the sheriffs until they had received the utmost satisfaction.

Sir *F. Pollock* said, that, after the broad allusions which had been made to him the other night by his learned Friend, the Solicitor-general, he thought that the House would consider he owed them an apology if he did not address them on this subject; and that he should be charged with want of manliness if he did not now state his opinion distinctly and broadly. He had been placed in a position different from one part of the House—he would not say a party, for this was not a party question, but differing from one portion of the House as to the practical question of how their privileges were to be maintained; and from another portion of the House as to the question of privilege itself. He would not now enter into questions where he could not afford much assistance to either portion; but he felt himself called on to state the part which he had been compelled to take, after bestowing on the subject perhaps not so much pains, but certainly as much anxious attention, as his learned Friend, the Solicitor-general had shown, by the very able manner in which he had performed his duty on the present occasion. In the observations which he had to address to the House, he hoped he should be able to follow the example of the learned Lord who had just sat down; for certainly a calmer or more temperate speech, or a speech conceived in a spirit more proper to discuss such a subject, he had never heard. And if he should err, which, however, he trusted he should not, it undoubtedly would not be from the want of the best possible example immediately before him. He had no hesitation in avowing at once, that in his judgment the House did possess perfectly the entire privilege on this question which it claimed, and that it was no desire to obtain the good opinion or good word of any one which induced him to say, that he had not the slightest doubt or hesitation in stating that proposition. He thought they possessed it on the ground that it was essential to the due discharge of their duties. He did not mean to detain the House, but he must say, that after the argument of his right hon. Friend, the Member for Tamworth, he could not conceive that any Member of that House could entertain any doubt on the subject. And in the absence of his right hon. Friend, he might be permitted to say [the hon. and learned Member here turning round, saw that Sir R. Peel was present],—the presence of his right hon. Friend would not prevent him from saying that a more able, more acute speech, or one more becoming a great statesman, he had never heard in that House. His right hon. and learned Friend, the Member for Ripon, had said, that the resolutions of 1837 had been abandoned. He must, whilst he maintained the entire privilege of the House on this point, say, that he felt some regret, that the House did go beyond the immediate point then practically in discussion. But whilst he said, he thought it a mistake to go beyond that point, he would not commit a second mistake by discussing that point again. He was surprised that it did not occur to the court below that a practice of many years constituted what was called law. In a very recent case, that of the Canadian prisoners, an objection was taken that a writ of *habeas corpus* could not be issued by a single judge in vacation, but that it ought to be issued by the Court of Chancery in vacation, and in term time by the full court; but Lord Denman and the court decided, that, inasmuch as there had been an uninterrupted practice of eighty years, the court could not entertain the question of the legality of the writ. Undoubtedly the practice on which the House relied, was one which had lasted through a much longer period. The fact that the privilege now claimed was essential to enable the House to perform its functions was a sufficient ground to establish the existence of such a privilege. That principle had been acted upon in a case which he recollected at the Old Bailey. That court had issued an order that no publication of its proceeding on any trial should take place while the trial was pending. A person having published some proceedings in contravention of this order, although he could not be said to have obstructed the proceedings of the court in any way, still the court declared that he had been guilty of a contempt of court, and at once by the authority of the judge alone, and without the intervention of a jury, fined the man 500*l.*, which he was compelled to pay. Now, there was no doubt that it was the right of the subject to be present in a court of justice, and it could not be contended, that having been present, an individual was bound to shut his mouth with respect to what he had heard in court. The act, therefore, which the court took upon itself to forbid, was the printing of the proceedings. The art of printing, was, however, of too recent an origin to enable the court to found upon the common law its right to issue the order which it had put forth and enforced. The only principle on which the Court could have proceeded was, that such a right existed, because it was necessary to enable the court properly to perform its functions. The subject could not be expected to be one of perfect clearness; it was impossible to dogmatize and say, that there were no limits to the privilege now claimed; it should be considered that the general proposition would receive such practical limitations as good sense might suggest. Having discussed the question of the right of the House, he might be permitted to do justice to one of the learned judges of the Court of Queen's Bench—he meant Mr. Justice Coleridge, upon whose judgment, in the case of "Stockdale v. Hansard," his hon. and learned Friend, the Solicitor-general, had made some observations in a former debate. His hon. and learned Friend had quoted Mr. Judge Coleridge's edition of ***Blackstone's Commentaries***, and had read to the House these passages:—

> "The whole of the law and custom of Parliament has its origin from this one maxim, that whatever matter arises concerning either House of Parliament, ought to be examined, discussed, and adjudged in that House to which it relates, and not elsewhere."

> "The dignity and independence of the two Houses are, therefore, in a great measure, preserved by keeping their privileges indefinite."

His hon. and learned Friend had, however, omitted to read to the House another passage, which was to be found in the same part of the book, and was to this effect:—

> "But all other privileges that derogate from the common law, in matters of civil right, are now at an end, save only as to the freedom of the Member's person."

And again,—

> "As to all other privileges which obstruct the ordinary course of justice, they are restrained by the statutes 12 William 3, c. 3; 2nd and 3rd Anne, c. 18; and 11th George 2, c. 24; and are now totally abolished by 10th George 3, c. 50."

He quoted this passage in justice to the learned judge to whom he had referred, and not as being at all inconsistent with the existence of the right on the part of the House for which he had contended. It appeared by this passage, that legislation had already taken place upon the subject of the privileges of the House. Now, when an act of Parliament was passed upon the subject of privilege, the House must leave courts of law to deal with the act and the cases to which it applied, and if the judges were at liberty to decide upon those privileges of the House which were established by act of Parliament, it was difficult to deny them the power of deciding upon the privileges which the House claimed by the common law. He admitted the experiment of an appeal to the House of Lords was not free from objection, and might be pregnant with danger. There appeared to be but one course possible, that of establishing the privilege by legislation. Such would be the best mode of bringing the question before the House of Lords. The House of Commons had far more power as a branch of the Legislature than it had in its separate existence, by the exercise of its own privileges. The House of Commons was omnipotent when it was backed by the opinion of the people; but without that support it had no power whatever. If this privilege were one which the people did not consider essential, the House could never be able to maintain it by committing plaintiffs or attornies, or even the sheriffs themselves. While, on the other hand, if the public at large agreed with him in thinking that the privilege ought to exist, there could be no doubt that the House would be able to insist upon a proper bill being passed to establish it. The judgment which had been given by the Court of Queen's Bench not having been made the subject of appeal, would be an authority as binding as any other judgment of a court of law, and of equal weight with the judgment in favour of the House in "Burdett v. Abbott," on which the House had relied. If this were so, the legitimate mode of teaching the judges of courts of law that they were mistaken upon a point of law was not by committing their subordinate officers, but by an act of Parliament. The learned Lord who had just spoken had said, that courts of law could not make the sheriffs responsible unless they could give them protection; but did not the same argument apply to the House? What protection had the House to offer the sheriffs against the process of the Court if the sheriffs were now to obey the order of the House. He admitted, that the judgment of the Court was not according to law, that was his opinion; but he did not think the committal of the officers the proper mode of correcting the error; it was a practice, which not being addressed to the intellect and understanding, belonged rather to a barbarous age than the present day. The sheriffs had given the House all the assistance in their power. He agreed that little importance was to be attached to the mere form of the oath which the sheriffs had taken. He was disposed to attach no importance whatever to it. The substance of that oath was, that the sheriffs were to do their duty, and if it were their duty to obey the House, they would be at least as much justified in so doing, as in complying literally with the terms of the oath. But he did consider it important that they should honestly perform their duty, and if it appeared that they had done so, he thought they ought to be immediately discharged. The sheriffs might, foreseeing the coming storm, have cast on others the collision with the House of Commons, and thus relieved themselves from all responsibility. Had the sheriffs been in custody under an attachment, would the House have released them? They kept the money back, in order that the House might, when it met, take some step to protect them. The Court of Queen's Bench, in defiance of the authority of that House, directed that the money should be paid to Stockdale: no notice was taken of that order, but the sheriffs were placed in custody of the Sergeant-at-Arms. Such was the mode in which, according to his learned Friend, the Solicitor-general, the Court of Chancery, at a remote period, obtained its power of injunction. Could that game be played over again in these times? Surely it was more consistent with the justice, the dignity, and the character of that House, to legislate on the subject than to promulgate its authority merely by putting attornies, sheriffs, and bailiffs into prison. He could understand the application of such treatment to the plaintiff in this case, who could not be considered as fairly seeking to enforce a right, but as positively insulting the House. The great object was to prevent Stockdale from receiving the money. The means resorted to by the House of Commons, with that view, were altogether inefficient. Stockdale had actually got the money in his own pocket. Such warfare with the ministerial officers of the court was not humane, correct, or dignified. It was like shooting sentinels, videttes, and outposts, when two great parties were engaged in battle. That House was at war with the Court of Queen's Bench, let them conduct it manfully, go directly to their object, or rather avail themselves at once of their acknowledged constitutional power—call for a conference with the other branch of the Legislature, and, finding that committals must fail, see what could be done to remedy the evil by an act of Parliament. They were now opposed, in this collision, by three-fourths, if not nine-tenths, of the bar; they were opposed, he believed, very much throughout the country; but if they passed an act of Parliament, declaring the law, every one of those parties would willingly obey it. The sheriffs had shewn a readiness to assist the House to the fullest extent, and he trusted the noble Lord would think they had remained in custody long enough to vindicate the authority of the House. He had the utmost reliance on the wisdom, intelligence, and moderation of that House; and if the sheriffs did not succeed on the present occasion, he should own it must be because he had taken an erroneous practical view of this subject, and he should bow to the superior wisdom of the House.

Mr. *O'Connell* could not think any excuse necessary for trespassing on the House with regard to so important a subject as the present. There was one consolation, at all events, that no discussion had ever taken place in that House, so totally devoid of party spirit. It was entirely free from any of those squabbles which occurred between them on other topics. They had been told, on both sides of the House, that public opinion was very considerably engaged, some said in opposition, others said in support of the proceedings which they had taken. He certainly thought it could not be denied, that there was a great number of persons who differed from them. Therefore, it was essentially their duty to show to the public that the House was right, and that the judgment of those who differed from it were erroneous. He had heard, during the debate, many professions, no doubt sincere ones, of attachment to public liberty; but he believed that no one could at least profess more devotion to that cause than he did. He certainly was not disposed to quarrel with popularity; but neither was he disposed to court it by the sacrifice of principle. If the public were strongly against them, he should regret that the public had fallen into an error! but he could not admit that the public was right, and the House wrong. There was certainly one consolation. A more erroneous opinion could not have been given by the highest authorities than had been given on the subject of their privileges. The hon. and learned Member for Huntingdon (Sir F. Pollock), a high authority, and the hon. and learned Member for Exeter (Sir W. Follett) were agreed with the high officers of the Crown in these propositions; first, that the privilege of publishing defamatory matter, without its being, in point of law, a libel, existed in the House: secondly, that it was essential to the performance of their duties that they should so publish. This second, indeed, included the first. Thirdly, as every superior court of law had exclusive jurisdiction with respect to its own privileges, that House had exclusive jurisdiction as to its own privileges. These were three distinct propositions, having with them the weight of all the personal authority that any propositions could have in that House. He (Mr. O'Connell) adopted every word of what had fallen from the hon. Member for Huntingdon, in reference to the existence of the privilege. The right of the House had been also supported by the right hon. Baronet, the Member for Tamworth, in a speech of the greatest power, the most lucid arrangement, and the most convincing logic, concluding with a most firm determination to work out the principles which he had established. They had, therefore, at least the certainty that no other motive than entire conviction could be attributed to the hon. and learned personages who supported their privileges. They had heard from those high legal authorities the opinion that the judgment of the Court of Queen's Bench was an erroneous judgment. In that conclusion even the right hon. and learned Member for Ripon concurred. He did not go to the extent of the other hon. and learned Gentlemen; but with regard to the particular judgment he agreed. It being admitted by these high authorities, that this important privilege was essential to the performance of their duties, the question was, were they to give it up?—were they to abandon it? Who would counsel them to abandon it? No one who agreed in the proposition he had mentioned could do so. But the hon. and learned Member for Huntingdon advised them to take the course of legislation, because he considered the House estopped by having pleaded to the action in one case. The hon. and learned Member considered, that having once submitted their privileges to the judgment of the Court of Queen's Bench, they were bound to abide by the judgment of the court. He respectfully denied that the House was placed in any such predicament. They were trustees for posterity. They could not give away the privileges of the House of Commons. If they had taken a mistaken course in submitting their privileges to a court of law, the wrong and delinquency of doing so were personal, and the punishment ought to be so; but they did not and could not sacrifice a right which belonged to others. The privilege was not personal. It was no individual advantage to Members of that House, that publications might be issued without danger of actions. No action could be brought against an individual Member for such publication. No individual had any personal interest in this privilege. It existed only for the benefit of the people, and for the purpose of enabling the House of Commons to do its duty towards them. They were not estopped, therefore, by having pleaded; although it might not have been, and he believed it was not, prudent to do so. It created public clamour, and gave an argument to those who opposed the claims of the House, and led to embarrassment. But it created only a difficulty which they ought to be the more determined to put out of their way. If they hesitated now, or took any faltering course, or did not assert the full extent of their privilege,—in spite of what might be said of their having pleaded in an action, and suffered judgment to go by default in another; if the principle being admitted, they did not stand by that principle, then their privileges would be gone. The hon. and learned Recorder of London had taken a very active part upon this subject, and seemed to laugh to scorn the idea of the House declaring its own privileges. But the hon. and learned Recorder's opinion must seem somewhat ridiculous when it was known, that he himself stood in this position, that when a point of law was raised touching the privileges of the city of London, it was decided by a certificate from the learned Recorder himself. Such a certificate was conclusive in a court of law, so familiar a thing was it, that there should be a power in a body to assert its own privileges. It was impossible for him to entertain any doubt of the existence or of the necessity of the privilege contended for by the House of Commons, the question was now, were they to preserve it? The answer was obvious, they should pursue the course which other courts had pursued when their privileges had been infringed—the course which was pursued by the Court of Chancery, the Court of Queen's Bench, and the Court of Exchequer. The only mode which the law had given to any court for asserting its privileges was by attachment or arrest of the person. It had succeeded with the Court of Chancery after the claims of that court had been opposed for a number of years. At first the courts of common law refused to listen to the Court of Chancery. Lord Coke went the length of indicting counsel and attorneys, for being concerned in an injunction to stay execution after judgment. The Court of Chancery of the present day exerted its particular authority by attachment. If any man brought an action in a court of law against a receiver or person employed by the Court of Chancery, that court would at once stop him by attachment or arrest of his person. The Court of Exchequer exercised an exclusive jurisdiction with regard to actions against its own officers, and it asserted it, by ordering such actions, if commenced in any other court, to be transferred to the Court of Exchequer. It enforced its claim by personal arrest of the plaintiff, counsel, and agent, if the action be pursued. That mode had been successful hitherto, and it would be successful with the House. The House must succeed if it did not abandon its ground. They had the sheriffs in custody. Was it a small power to be able to keep them in custody till September next? He was now speaking of the power of the House. It might be granted, that they had a giant's strength, although the question might remain whether they should use it like a giant. It had been attempted to ridicule the weakness of the House. He wished to show its strength. They had the power of imprisonment till September. They had more, because Parliament need not be prorogued. The right hon. and learned Member for Ripon had been almost facetious in observing, that all the boasted power of the House was to end in an address to the Queen. Parliament must sit for a considerable time for the dispatch of business, and if they thought proper to address her Majesty not to prorogue Parliament, was it not likely that her Majesty would consent to what was asked by the voice of the great majority of the House? Was it likely that the Queen would be advised to resist the wish of the great majority of the House, not consisting of one party, Ministerial or Opposition, Tories, Whigs, or Radicals, but composed of the leading men of all parties—was it, he repeated, to be supposed, that her Majesty would be advised to refuse the wish of the House to continue sitting by adjournment? And then the House might continue the imprisonment from September to September twelvemonth. The power of the House to punish, therefore, was very great. It was another question whether they should continue to detain the sheriffs. In his humble opinion, they could not shrink from keeping them in custody. No moral guilt attached to the sheriffs, but they were guilty of a continual contempt of the House. They had not bowed to its authority. He might be told they were bound by their oath, though that favourite argument of the hon. Member for Oxford University had been thrown overboard by some of those who advocated the dismissal of the sheriffs. The sheriffs took an oath duly to execute the writs placed in their hands. How did they fulfil it? The men who took the oath never executed the writ at all. They got somebody else to take a similar oath, and transferred all the obligation to him. The deputy sheriff might be an honest and intelligent, or an unintelligent man and not honest—or a man neither honest nor intelligent, it mattered not—the faithful keeping of the sheriff's oath depended upon him. He said nothing against the present holder of the office, who, he believed, was a very honourable and intelligent man, but it was left very much to chance. He wondered if they ever came to be punished elsewhere for perjury, whether the sheriff would suffer by himself or by deputy. A noble and learned authority seemed to have advised the sheriffs to withdraw the power of executing writs from their deputy, and so, by embarrassing the administration of justice, compel themselves to be let out. He believed a grave and learned personage had given that advice. It would be a very odd way certainly for the sheriffs to keep their oaths, to deprive themselves of the only way they now had of executing the writs which they had sworn to execute. But the learned authority who gave the advice ought to have known, that if the sheriffs failed to execute any writ, it was the duty of the coroner to do so. If he did not know that, he was not a very learned Lord. But the sheriffs might be compelled, by seizure of their goods, or arrest of their person, to execute all writs sent to them, and the friendly advice would, if followed, turn out very ruinous to the sheriffs. But the sheriffs were bound to execute writs with all restrictions and qualifications. They were not to arrest an ambassador or ambassador's servant, or any person otherwise privileged or protected. The sheriffs had placed themselves in the predicament in which they were placed. They were not coerced by penalty to become sheriffs, but had canvassed for the office. They must have taken the office with all its responsibility, which was great, and no man in accepting the office of sheriff could be sure that the most anxious observance of his duty would save him. If the sheriffs had returned *nulla bona* to the writ in the case of Stockdale *v.* Hansard before the late decision, their defence would have been complete. In the well-known Kensington Palace case, the privilege was decided to be a sufficient ground for the non-execution of a writ. But the sheriffs had adopted a different course, and the Court of Queen's Bench had placed them in their present predicament. And it was said now, that although the attachment that had been issued was not returnable before April, the money had been handed over either the day before, or that day to Stockdale. He believed, indeed, that on investigation, that statement would not be found to be accurate. Well, no matter. If the sheriffs had preferred doing their duty to the House, the House would have been bound to give them protection equivalent to their responsibility. If the sheriffs had paid over the money to Hansard, the House would have been bound to protect, and to commit any one who molested them. Would learned Gentlemen deny that the House had that power—or would they deny, that it had the right? Supposing that the Queen's Bench kept one of the Members of the House in custody, what remedy had they? [Mr. *Williams Wynn*: There was the case of Fellowes.] That was a case precisely in point. Here they were bound to go on. But there was a power of committing the judges. Why, if the judges stood in the way of the liberties of the people, as they had done so directly here, then the House was bound to commit the judges. They must do so, or give up their privileges. Hon. Gentlemen opposite might revere the judges more than the rights of the people. He admitted that they might do that, but then, if they revered the rights of the people of England, they would be bound to go on. The House had committed judges before, it should be preferred to do so again if it were necessary, and for himself, he would say, that he should prefer dying upon the floor, rather than give up a remedy which the usages of Parliament allowed to be used against all offenders. He was sure, that the hon. and learned Member for Huntingdon would believe him when he said, that he meant not to treat him with any disparagement, but he must say, that the suggestion of appealing to the House of Lords, or to a legislative enactment, in such a case as this, did not accord with the usual good sense of that hon. and learned Gentleman. It was easy to say "legislate." How were they to legislate? Was it by a declaratory act? Why, then, it would be said, that the decision of the Court of Queen's Bench was against them, and that the declaration would be false. Was it by an enabling act? Then they would abandon their privileges. They would admit that they were wrong, and leave themselves at the mercy of the House of Lords, or the Crown. Legislation, in his opinion, was impossible. The Attorney-general, in whose conduct this case had been placed, had been induced by the House to take a less decided position than he thought ought to have been done. The instant that the second action had been commenced their privilege ought to have been asserted, and if it had been so, they would not now be in the embarrassing position in which they had been placed. The longer they delayed, the more embarrassing must their situation become. The House might sacrifice its rights if it pleased, but if it were thought proper to maintain their rights, then they should not be pusillanimous in the assertion of them, and while they compassionated individuals, who might be the objects of their coercion, they must still exercise that coercion, or abandon the most essential privileges of the House of Commons.

Mr. *Shaw* agreed in the necessity and importance of retaining the privilege of printing the proceedings of that House, but he would beg shortly to state the reasons upon which he would give his vote that night for the discharge of the sheriffs. He ventured humbly to think, in accordance with the great legal authorities on both sides of the House, that the judgment of the Court of Queen's Bench in respect of their privileges had been erroneous; but was that any reason that the House should fall into error itself? Two wrongs could not make one right, and he considered that, in the first instance, the House had taken the right course in directing its officers to plead its privileges. Now, what did they say by the third resolution of the House in 1837? —"That it was a breach and contempt of our privileges for any court to assume to decide upon matters of our privilege;" and then, what did they do? Why, submit to a court,—namely, the Court of Queen's Bench, by plea, the decision of the very question of privilege now at issue. It needed not to be a lawyer to understand that there was neither law, nor reason, nor manliness, in such a course as that. Then, again, whom did their resolution denounce as the violators of their privileges? The court that assumed to decide upon them. And whom did they grapple with? Their mere instruments, faithfully discharging their known duty, and acting under the court's authority and command, and for which that court offered them its own responsibility. If the House wished to try the real question, why did not they commit the judges? And they answered it for themselves without difficulty — because the House dare not. The Solicitor-general had referred to the authority of Mr. Justice Blackstone, but he thought he had not very fairly quoted it. The extract from Lord Coke had reference to the law of Parliament, in distinction to the privileges of Parliament, and so it would appear from the next paragraph, which treated of privileges, while the one quoted related to the law of Parliament, as well as from the context, which illustrated the position by this example:—

> "Hence the Lords will not suffer the Commons to interfere in settling the election of a peer of Scotland. The Commons will not allow the Lords to judge of the election of a burgess, nor will either House permit the subordinate courts of law to examine the merits of either case."

Then Blackstone continued,—

> "But the maxims upon which they proceed, together with the method of proceeding, rest entirely in the breast of the Parliament itself, and are not defined and ascertained by any particular stated laws."

The Solicitor-general, who seemed to rely on the notes of the editor, as much as upon the text, had omitted the following note:—

> "This sentence seems to imply a discretionary power in the two Houses of Parliament, which surely is repugnant to the spirit of our constitution."

With regard to the best course to be pursued for extricating the House from its present difficulties, he thought it had been suggested the other night by his hon. and learned Friend, (Sir W. Follett.) Mr. Stockdale was clearly in contempt, and let him remain in custody; and the Messrs. Hansard, as the servants of the House, must clearly be indemnified for all personal loss. In the other actions let the servants of the House be instructed to plead—let the enlightened judges of the Queen's Bench have an opportunity to review their own decision — let that again, if necessary, be taken to a court of error, or, if necessary, to the House of Lords in its judicial capacity, and he had no apprehension of the consequences of such a course. Was there a just or reasonable man in that House, or in the country, who, at the present moment, did not feel for and honour those gentlemen who were undergoing severe personal privations, for no other reason than that they had faithfully performed their public duty? Was there a Gentleman in that House who would have failed to act in the same manner had he been placed in the same situation? And if the sheriffs had acted otherwise, was there a man of spirit or sound constitutional mind in the country who would not have considered them unworthy of their high station, and wanting in that firmness and independence which ever had characterized, and he trusted ever would characterize, the public functionaries of the country. Had that House been sufficiently

> "Beware of entrance to the quarrel;"

then would he have agreed with the Solicitor-general, that, "being in," they should so

> "Bear it, that the opposers might beware of them."

But they had not. Their entrance was incautious, and that perseverance was impossible was demonstrated by the monstrous extremes to which its advocates were driven; for to what a height would public feeling and sympathy be excited on behalf of those suffering gentlemen, when the suggestion of the Solicitor-general went forth to the country, that that House should address the Queen to adjourn, instead of proroguing them, in order that they might inflict a sort of perpetual imprisonment upon those public officers, whose only crime was, that they were faithful to their public duty. Again, a threat was insinuated of calling in aid the military and executive power to coerce the judges. It was an idle threat. He did not, for a moment, suppose the Government would have the rashness and recklessness to attempt it. But coming from such authority as it did, he could not consider the threat in itself a harmless one—caught at, as no doubt it would be, for their own purposes, by those (alas! too many in the present day), who were disaffected to the established laws and institutions of the country. God forbid that we should come to such a pass as that; but if we did, was there any doubt on which side would be the triumph? Before it was too late, let them retreat from this unseemly contest. He would, with his hon. and learned Friend (Sir. W. Follett), deprecate that this should be made the subject of a mere party division. He had been surprised to hear hon. Gentlemen on the other side, and particularly the members of her Majesty's Government, charge the present question as a proof of disunion amongst the followers of his right hon. Friend. He was prepared and proud to acknowledge his right hon. Friend as his leader in that House; he placed the most unbounded confidence in his prudence, his integrity, and his talents; but, upon a question which he considered purely a judicial one, like the present, he would no more place his vote in the keeping of his right hon. Friend, than upon the bench of justice he would profess concurrence in the opinion of another judge, no matter how incomparably superior he might be to himself, with which he could not conscientiously coincide. He thought it no credit to the Government (all of them, he believed, who spoke, with the exception of the noble Lord (Lord J. Russell), himself,) to insinuate or charge it as an offence against hon. Members at that side of the House, that in the discharge of their judicial functions, they had not been biassed by party considerations.

Mr. *Williams Wynn* said that some apology was due to the House for presenting himself to their attention this night, more especially after the luminous and able speech of the learned Lord, in the whole of whose argument he most entirely concurred, so much so, that he doubted whether it was possible for any person to offer anything new, but he did feel it necessary in some degree to say that he maintained every opinion which he had already, during a long course of years, stated to the House upon this subject. Regretting as he did, with every lover of his country, and every one who wished to respect the constituted authorities and that due obedience should be paid to them—regretting, he said, on this account, that a collision should have taken place between the Court of Queen's Bench and that House, he could not agree with the statement, that the judges and that House had different duties to perform, that the judges were bound to maintain and observe the rights of the subjects, and that the House had no such duty to perform with respect to its privileges, which it might or might not enforce. Those privileges were not their own individually—it was not at their discretion to enforce or abandon them. They were committed to their care by their constituents—they were bound to uphold them, and as they had received them were bound to preserve them, and to hand them down to their successors. Undoubtedly it might happen, and it had happened, that privileges which at one period of our history, and in one state of society, were necessary for the due and important discharge of the duties of the House, became no longer requisite. In all such cases the course followed was obvious, and the House had resigned such privileges by legislative enactment. The House had shown its willingness to act on that principle during the late reign, by giving up privileges which were as ancient as any part of the common law of England, the privileges which protected the lands of a Member from entry, and his servants from civil arrest. To his surprise he had seen the former of those privileges described by the Chief Justice of the Court of Queen's Bench, following in the wake of a noble Lord, the late Lord Chancellor, as an outrage and a violation of the law, because the House of Commons had committed a person for making an entry on the fisheries of one hon. Member, or the rabbit warren of another. Those noble Lords could hardly be ignorant that the privilege of protection for the lands and property, as well as for the persons of Members in question had belonged to the great council of the nation from Saxon times, and was kept up by being formally demanded on the first day of every new Parliament at the bar of the House of Lords by the Speaker, in the name of the Commons. The privilege might be necessary when the Session continued a shorter time—when communication with the more distant parts of the country was slow and uncertain—when the ordinary method of commencing suits as to estates was by making an entry on them. Circumstances had since changed, and when it was found that this protection unnecessarily impeded the course of justice, and might be dispensed with, Parliament, by the statute of the 10th Geo. 3rd., gave it up. By the same ground, the protection of servants was taken away, but it is observable, that while it was enjoyed, the courts did not in most cases determine whether the particular servant was entitled to privilege; but the House passed a resolution whether such or such person should have the privilege of immunity from arrest or not. The existence of the privilege for publication had not, in the present debate, been disputed, it had been admitted, that it had been enjoyed for two centuries. Long usage was the only established ground on which a privilege could be claimed. It was also admitted that the privilege was essential to the due discharge of the duty of the representatives of the kingdom. But it was asked, after having allowed the Attorney-general to appear, how could the House consistently say it would not be bound by the judgment of the court? He never was a friend to allowing an appearance to an action of this kind. He had never been a willing party to the House pleading before the courts of law. In the case of "Burdett *v.* Abbott," he had divided the House on this question but it was then asked, how was the court to know, unless the House pleaded, that this was done by the authority of the House, and so far, and on that point only, he had consented to go before the courts. He had reluctantly, also, consented on the same principle in the present case, that it might be known to the court that the act complained of was not that of one individual, but of the House—that Mr. Hansard had acted by order of the House, and, as their servant—but by so doing he never consented to submit to the judgment of the Court of Queen's Bench the question, whether the House of Commons had the authority to publish or whether it had exercised that authority prudently or discreetly. The same was the case with respect to the return to the writ of the *habeas corpus*. The House had, for a long course of years, from 1680 downwards, decided wisely he thought, that it was the duty of the officer to make a return to the nature of the *habeas corpus*, stating that the party was committed by the authority of the House, but to state, the nature of the contempt was held to be a matter of supererogation. The principle that whatever matter of privilege should arise in either House of Parliament should be judged of solely by that House to which it related, was established and admitted by many authorities, by Coke, by Hale, by Blackstone, and by judges as learned, as independent, and as much attached to the liberty of the subject as the present judges of the Court of Queen's Bench. That principle was the sheet-anchor on which all their privileges depended. He would not, therefore, consent to submit a question of privilege to the judges of the Court of Queen's Bench, still less would he submit it to a Court of Error, or carry it to the bar of the House of Lords. Now, as to the course of proceeding, he thought that the authority of the House had been assailed, and it had in some measure been asserted and vindicated. He did not think, therefore, that it would be necessary to the complete assertion of that authority to confine the sheriffs to the end of the Session, much less to address the Crown for an adjournment instead of a prorogation. On the other hand he could not assent to their immediate discharge on the very day on which they had consummated their disobedience to the House by paying over the money to Mr. Stockdale in defiance of its orders. The sheriffs might now be considered as contumacious, but if they should hereafter make a proper submission to the authority of the House of Commons, expressing their regret, he should feel disposed to treat a petition so framed with favourable attention; but until they complied with the usual terms upon which the condonation of the House was in other cases granted, he should feel it his duty to withhold his assent to any such proposition as the present. In conclusion he would say a word or two on the question—how was this matter to end—how was the House to get out of the difficulty? In principle he was inclined to agree with the Solicitor-general as to the power of the House and the mode of proceedure, but the inconveniences of occasioning an actual conflict between officers acting under the authority of the Judges of the Court of Queen's Bench and of that House were of a nature to induce every Member to do his utmost to avoid resorting to such an extremity. He thought, therefore, the best plan on the whole was that which had been already suggested by his right hon. Friend the Member for Tamworth; viz., a declaratory bill, to originate in the other House, and to be introduced there by the first law officer of the Crown. If, however, from any cause this course should not be adopted elsewhere, he was still of opinion that this House would in no degree derogate from its own dignity, or weaken its privileges, by itself originating such a bill. By so doing, it would manifest its desire to avoid contest, and to pursue the most conciliatory proceeding, and even if it failed, it still would possess every power which it now enjoyed for vindicating its own privileges.

Lord *J. Russell* said, that if they had not been obliged to enter into considerations, other than those which concerned the question immediately before the House, it would have needed but a short discussion. The immediate question before the House was, that the sheriffs be discharged from custody; and that motion, as he conceived, had been placed upon two grounds. The one was in contradiction to that which had been repeatedly resolved by that House, namely—that there existed no such privilege as the House had asserted; that the House had done wrong in committing the sheriffs; and that they could not take too early an opportunity of repairing that error by at once discharging the sheriffs from custody. The view of the question had also been supported in a petition which had been presented to that House from the Lord Mayor, Aldermen, and Common Council of the city of London, asserting that the order of that House was invalid in point of law; that it was an infringement of the prerogatives of the Crown; and that privilege to the extent asserted by that House was calculated to destroy the liberties of the subject, and to subvert the laws of the land. As he understood also, although, of course, he could not positively assert it, the sheriffs had themselves made a similar assertion; they had contended for a similar immunity from the privileges of that House, and had addressed the other House of Parliament to procure their liberation. Upon this ground he thought it impossible for the majority of that House, without any reason being assigned, to induce them to retreat from their former decision, and comply with the motion before them. Other grounds had been stated by hon. and learned Gentlemen who had spoken on this question with great ability, but who had not favoured the House with their opinions in the previous stages of this question, in the first days of the session. He alluded more particularly to the hon. and learned Members for Exeter and Huntingdon (Sir W. Follett and Sir F. Pollock), who in the course of the present debate had given their opinions on this subject. As he understood those hon. and learned Gentlemen, they claimed this privilege to the fullest extent that had been ever claimed by those who had assisted it in the course of these debates. The hon. and learned Member for Huntingdon declared that the House possessed the entire privilege claimed as being essential to the due discharge of its functions. The assertion of the hon. and learned Member for Exeter was no less clear, and no less explicit, and the argument by which the hon. and learned Gentleman supported it was most able and convincing, but the hon. and learned Member conceived that the House had not taken the proper course by which their privilege was to be asserted, and he advised the House to retreat from their present course of proceedings to refrain from further commitments for actions brought in the courts of law, and in pursuance of such result to discharge the sheriffs. He felt an obvious, and an insuperable objection, to taking the course which the hon. and learned Gentlemen had recommended. Whatever those hon. and learned Gentlemen might have submitted or suggested with regard to the course to be pursued in vindicating the privileges of the House in future, they had not pointed out any means by which, abandoning the present course, the House might immediately assent and maintain those privileges. He did not undervalue the suggestions of those hon. and learned Gentlemen; but the plan they recommended might entirely fail in vindicating their privileges; and having failed, and having given up the power of commitment, the undoubted power of the House—a power by which their privileges had been asserted in former times—a power by which they were now asserting those privileges, they might, in abandoning the course they had adopted, and adopting the alternative suggested, utterly fail in securing other means of maintaining those privileges which those hon. and learned Gentlemen themselves asserted to be indispensable to the due exercise of the functions of the House. Therefore, with regard to the immediate question before the House, he did not think that the House could long doubt about the decision to which they ought to come. But he must own that there were larger and graver questions connected with this debate, to some of which it was impossible for him not to advert. The hon. and learned Gentlemen on the other side, and the right hon. Gentleman the Member for Ripon (Sir E. Sugden), had asserted as strongly as the Attorney and Solicitor general, as strongly as the Lord Advocate and the Solicitor-general for Ireland, the necessity of the House possessing this power. They had asserted that the privilege claimed was indispensable for the due exercise of its functions; and they also asserted that in their opinions the judgment of the court of law was erroneous. Was not that a most important point gained for the House? The judgment of the court of law, be it observed, went the full length of saying that the resolution of that House, which had been undisputed till lately, which had not been questioned for many years, namely, that that House was the judge of its privileges, was erroneous, and that the Court of Queen's Bench was to be the judge of those privileges. The decision of the court went to this, that with regard to the power of publication, no such power was necessary; that for the due exercise of their functions it was wholly unnecessary; that to the House of Commons it did not belong to circulate and distribute and publish their proceedings, because no part of that power properly belonged to the House of Commons. That was the opinion of the judges; and the question was, would they allow the judges to decide concerning the privileges of that House? But this opinion of the judges, be it observed, was against the opinions of all, or nearly every one, of the Members of that House, who were most fit to form an opinion on the subject. They all declared that the possession of this power was absolutely necessary, and that their functions could not be duly performed without it. He asked them where ought the power of judging of their privileges to be placed? Ought it to be placed solely in the courts of law? for, be it observed, if that House were not the judges the courts of law must be; or ought it to be placed in the House of Commons? He thought that few men would doubt that the House of Commons were the best judges, and that if they transferred to the courts of law this essential power of saying what privileges they might possess, and what privileges they might not possess, and what privileges were necessary for the due performance of the functions of that House, they would be acting in contradiction to all the great authorities of former times, who saw in such a course the imminent danger of the House losing its most valuable privileges; and they would be acting in contradiction to the doctrine laid down by Lord Coke and Sir M. Hale, and by Sir W. Blackstone, who, at different periods of history, were the great ornaments of the law at the times in which they lived. By coming to the opinion which the House must give—namely, that it was essential that they should be the judges of their privileges, there was a further question remaining, which had been argued with so much ingenuity—namely, whether they could maintain those privileges by the course which they had pursued? Although there was great difficulty in the case to which the right hon. Member for Ripon had alluded, namely, that if they did not give to the courts of law any information, that the question raised before them was a question of privilege, it might well be argued that the courts of law could not say whether those persons who appeared before them, whether the Messrs. Hansard, or any other individuals, were persons authorised by that House; and therefore judgment might be given without any notice being taken of the authority of the House, or of its being mentioned; yet he felt that if they adopted another course, they would undoubtedly be liable to an imputation, which he was ready to share with the right hon. Gentleman who spoke last, namely, that they were apparently submitting to the courts of law, and were not ready to be bound by their decision. He confessed that upon this subject he had always thought the doctrine held by Mr. Ponsonby on the trial of Burdett and Abbott, was both constitutional and practicable, and he was very sorry to find in these times that the opinions of Mr. Ponsonby were opinions which no party in that House seemed willing to follow. Mr. Ponsonby held in very high estimation the privileges of that House, and in objecting to the course pursued in the case of Burdett and Abbott, after stating that he would not surrender the privileges of the Commons of England, that gentleman thus expressed himself:—

"Reverting, then, to the ancient rule of practice, it was invariably the custom of that House to commit any person who made himself the instrument of calling into question its privileges. Upon that rule of practice, he did feel it his duty to state his opinion, that the solicitor who had caused the notice of action to be served upon the Speaker should be committed. Such a course was not alone the practice of that House; it was acted upon in all courts invested with the power of commitment for a contempt of its jurisdiction. In the Court of Chancery, for instance, where an injunction had been granted to stay proceedings in an action at law, the attorney who would, after such injunction, venture to proceed, would subject himself to an attachment, and be most certainly punished for a contempt of the jurisdiction of that court. Was not, then, the House of Commons fully empowered to take steps against a solicitor who had proceeded to call its Speaker to answer for conduct taken in obedience to its will, and which that House had adjudged to be necessary for the protection of its privileges? Most undoubtedly it was; and as, in such a case, the most correct line was to follow the conduct of their ancestors, the enforcement of such a right in the present instance was most advisable. The next question to be considered was, the peculiar situation in which the Speaker of that House was at present placed. To many Members it appeared a most monstrous novelty, that the Speaker of the House of Commons should be obliged to appear in one of the courts below for an act which he had done in pursuance of the orders of that House. A novel proceeding it certainly was, for which there was no precedent; as to an action brought against the Speaker, the instances were rare. Yet monstrous as it appeared to some, and novel as it must seem to all, it was his firm persuasion that the Speaker ought to appear and put in his plea to the action. Such course was open to him without the slightest apprehension of his surrendering, in the remotest degree, the privileges of that House; and such course the House could adopt, although it had determined to commit the solicitor. As an illustration of that opinion, he would suppose the case of an individual committed by the Court of Chancery for contempt, whose solicitor had instituted an action in a court of law for false imprisonment against the Chancellor. What were the steps which it must be presumed the Lord Chancellor would, under such circumstances, take? For himself, he would say that if such a proceeding had occurred when he had the honour of holding the great seal in Ireland, he would have certainly felt it his bounden duty, under the jurisdiction of his own court, to commit the solicitor, and to appear in the court of law to put in his plea. For, unless such a course was adopted, how was it possible for the courts below to be apprised of the nature of the case? How was it possible for them to inform themselves of those facts, without the knowledge of which they could not know whether the injury complained of was committed in a private or public capacity?"

It seemed to him (Lord J. Russell), that there was much of very sound reason in what was stated by Mr. Ponsonby on this occasion, and, considering the position of that Gentleman as Chancellor of Ireland, his opinion was certainly entitled to considerable respect; and he did not see that the House was acting inconsistently in taking the course of committing the plaintiffs and attorneys in actions of this kind, and at the same time informing the courts of law of the circumstances of the case, by pleading the privileges of the House. He was aware, however, that many persons entertained a different opinion, and considered that the House was acting inconsistently in pleading before a court, and then not submitting to its judgment. He confessed, he saw considerable difficulty in the case, but at the same time his own views as to what should be done were made up, though he would not insist upon them, if any other better course could be suggested. The right hon. and learned Member for Ripon proposed, that without at all relinquishing their privilege, Mr. Hansard should be allowed to plead to the action as he should be advised. He did not think that such a course could be taken. He did not think that the House could decline pleading privilege; and as many of their publications might contain matters most criminatory, and which, published under ordinary circumstances, would be considered libels, the difficulty would be one to which they would be frequently liable. There was a further objection, also, to this course of proceeding—that it would lead to an inquiry, in the courts of law, of the matters stated in their reports. He would instance the tenth report of the commissioners of naval inquiry, in the year 1805. Now, suppose any party therein impeached, had brought his action against the printer of the House, and that the House had given him authority to plead to the merits of the action, they would then necessarily have had the question before the courts, whether certain persons had been guilty of certain crimes and offences? He confessed he saw very great practical difficulty in the course the House was now pursuing. He certainly believed, that in regard to most persons, the committal of the plaintiff and his attorney, and the refusal to plead, would be sufficient to put a stop to these actions. He knew that when a person really felt his character injured, and made no false pretence, like that alleged by Mr. Stockdale, that in the case of such a person, he would feel it no reparation for the injury done to his character, to go into a court of law, where nothing would be said upon the subject, but merely certain damages assessed. But, on the other hand, there were some persons who, desiring notoriety, might take advantage of the House not pleading, and, by pressing their action on vigorously, might, during a recess, succeed in carrying it, and getting damages assessed. It was very true as had been suggested in the course of this debate, that the House, with a view of increasing and continuing its power, might address the Crown not to prorogue Parliament, but to permit the House to adjourn from time to time. But though this might be a very advisable course to adopt in a particular case, it was not, he thought, a course by which a permanent remedy could be obtained for a difficulty like the present. Besides, by leaving the case undefined, and unsettled in its merits, they would be exposing persons in executive situations, like the sheriffs to very great embarrassment, as to whether they should obey the courts or the House of Commons. He must say, he thought the sheriffs would have done better if they had obeyed this House, and looked to it for protection; but, at the same time, he fully believed, that in what they had done, they had honestly followed their own judgment in the performance of their official duty. Whatever might be the permanent remedy which the House might apply to the present case, he did not think that in the mean time they should inflict any unnecessary hardships upon individuals. He believed, that the House had fully at its disposal means sufficient to maintain its privileges, but he thought also, that if they could maintain their privileges and powers without bringing into collision the House of Parliament and the judges of the land, without bringing into dispute, and, in some respects, into disregard, persons to whom authority and respect were due, and if they could avoid anything tending to a breach of the peace, it was their duty most anxiously to look for the means of so acting. Amongst the various courses which had been suggested in this matter, was that of calling in the aid of legislation to declare and establish the privilege of the House. His opinion was, that if such a declaratory law were to be obtained, it would be perfectly consistent with what had been done in former times, and if carefully framed, it might secure the necessary power of the House without injury to their privileges. The hon. and learned Gentleman opposite had said, that the Lord Chancellor was a person well fitted to frame and bring in such a measure. Now the fact was, that a communication had been made to him by the Lord Chancellor, who, after looking calmly and dispassionately into the matter, expressed his opinion, that the privileges of the House ought to be maintained, but that he did not think that it could be done in the present instance without a legislative measure. His noble and learned Friend had pointed out the various objections which occurred in his mind to different courses of proceeding, and thought it better, on the whole, to bring in a measure of this kind. He was not entitled to say how far his noble Friend was prepared to bring such a measure forward, but he knew that he had been directing his attention to the subject for some time, and he hoped that he would be able to decide before very long. But however this might be, he thought that the House should try a legislative measure rather than pursue this course of commitments further. He did not think that the privileges of the House were of that aerial nature, that at a mere touch the feathers would drop out of their wings, and they would fall to the ground; for the course which he was now recommending he could adduce an authority, in the first year of James 1st, respecting the privileges of Members from arrest. Sir Thomas Shirley was taken in custody by the Warden of the Fleet, who refused to give him up, and was in consequence committed for contempt. The House was so determined to maintain its privilege of exemption from arrest, that it passed an act respecting writs against persons after their privilege had ceased, and inserted therein a clause enacting and declaring that no sheriff or gaoler should be liable to any action for suffering to be released out of their custody persons being privileged, and this freed the sheriffs and other similar officers from such difficulties and liabilities for the future. Now with respect to the privilege of publishing their papers, it seemed to be almost universally allowed that this was a privilege which both the House of Commons and the House of Lords ought to possess; and if this was the case, they ought to be able to do so without putting individuals to unnecessary hazard and hardship. For this purpose, he thought the best course would be to communicate formally to the courts the existence of the privilege. He had no doubt that if this fact were communicated to them under the authority of Parliament, the objections would not be persevered in, and that the judgment already given, and which had been declared to be erroneous, would not have any influence upon their future decisions. Upon the whole, he thought that the House should not go on with these commitments without first endeavouring to apply a remedy to the existing difficulty. At the same time, he thought that the power to commit was essential to the existence of the privileges of the House, and that in the case of Burdett v. Abbott, and in Stockdale's second action, the House had lost some of its authority by not resorting to it. But whilst they took care to maintain their privileges unimpaired, it was also a serious and important part of their duty to maintain the public peace of the country. Under all the circumstances of the case, he was decidedly against the motion for setting the sheriffs at liberty; but in voting against it, he begged to say that he did so from no vindictive feeling, but from a desire to preserve those powers by which alone they could maintain the privileges of the House.

Mr. *Kelly* was unspeakably disappointed with the speech of the noble Lord. When the noble Lord admitted, that the sheriffs were in a position which exposed them to the greatest difficulty, and when he then urged the vindication of the privilege of the House by a protraction of their imprisonment, he felt that he had a right to be disappointed. The speech of the noble Lord was unsupported and contradictory. He greatly regretted, that the noble Lord had relied too much on the advice of the Solicitor-general, and that he did not follow his own inclination, and put an end to the punishment of those gentlemen. With respect to the privilege in question, he thought, that it should never be asserted if it had the effect of injuring an individual. The question before the House was, whether the sheriffs—discharging their duty only, as the House admitted—should be punished any longer in vindication of its privileges. The noble Lord himself, if his high station and great talents had not exempted him, might be placed in a similar situation to those gentlemen; and, if he were, no doubt he would act as they had acted on this occasion. In respect to the course adopted by the House of forbidding its officers to plead to any action in the courts, he should only say, that if such a course was deemed necessary for the maintenance of its dignity, before the next session there would be a plenty of actions brought, and perhaps heavy damages obtained. He hoped the House would abstain from all further severity in this matter; and he appealed to its humanity, its honour, and its sense of justice, to agree to the motion.

Mr. *T. Duncombe* doubted whether the motion which the noble Lord opposed was really worth dividing upon. If the House thought it was, he was ready to go to a division without a single word. But he must say, that the hon. and learned Gentleman who spoke last did not seem to him at all to appreciate the victory which those who thought with him gained. Why, what was the whole question involved in this discussion? For what was it that the hon. and learned Solicitor-general had said, that he was not ready to prorogue but to adjourn Parliament? For what was it that the right hon. Member for Tamworth declared himself ready to give up his seat? For the support of the resolution of thirty-seven, which he (Mr. Duncombe) then felt it his conscientious duty to oppose, and which he had ever since resisted under every phase. That resolution was simply this—" It is the law and privilege of Parliament, that this House has the sole and exclusive jurisdiction to determine the existence and extent of its privileges." Why, it was under that resolution that they held the sheriffs in custody; it was under it they held Mr. Stockdale in custody, and sent Mr. Howard to Newgate. Now, it seemed some legislative act was agreed upon. Why, that was the whole question. They who approve this resolution never said that the House should not have the power of publication; but they always maintained there were two ways of effecting that object, a fair and a foul means, and that the only proper and correct way of proceeding was by legislating on the subject. They had the sheriffs shut up in their cells, and what was the consequence? That the mayor of the metropolis of the kingdom came to offer them an address of sympathy on their sufferings, and of congratulation on their martyrdom. He blamed not the Government, or the Attorney or Solicitor general, for obeying the commands of that House. The latter were entitled to thanks for the zeal and ability with which they followed the instructions of the House; and not the less because they were unsuccessful. If they had been defeated, the subject had gained a great accession to his liberties. What cared he whether he voted with those to whose views he was generally opposed on the public questions which came before that House, when he was conscious that the great question which he supported was, that no individual should be libelled by that House without giving him any redress whatever? The noble Lord said he would keep the sheriffs in custody. He did not know whether this step would satisfy the dignity of the House; but this he knew—they would fall lower and lower in public estimation every hour and minute that these men remained in custody after the admission, by the promise of a declaratory act, that the sheriffs had only acted in accordance with their duty as the servants of the courts.

Sir *M. Wood* defended the conduct of the sheriffs against the attacks of hon. Members who had accused them of not endeavouring to protect the privileges of the House. He denied the imputation. They had done and suffered everything in their power for the protection of those privileges. It was only yesterday, that there was a claim made on them by the assignees of the Insolvent Court, which was satisfied. To-day there had been an attachment issued against them. They had put off the payment to the last moment, but they were obliged to satisfy the judgment to-day. What did the House mean to do with the sheriffs? Did it intend to keep them in confinement next Monday, while the whole loyal population were enjoying themselves? Did not the Liberal side of the House, as it called itself, think that it had sufficiently punished those innocent men?

Sir *R. Peel* said, the hon. Member for Finsbury had adverted to a former declaration of his, to which he adhered. If the House of Commons could not possess this privilege of free publication, without being held liable to be questioned or controlled by a court of law, not only would he retire from the performance of his public duties as a Member of that House, but he thought the House of Commons would take a fitting course in closing its doors, rather than by continuing, with maimed and mutilated powers, to hold out the semblance of a popular institution, without the power of discharging any one of the functions which belonged to such an assembly. The hon. Gentleman said, that the question now brought to issue was this —shall the House of Commons have the power of publishing defamatory matter, without giving to the individual defamed any means of redress? That was the issue on which he wished to rest the case. He said the House of Commons ought to have that power. Unless the House possessed the power necessary to serve the public interest, without liability to any question whatever, that was to say, without the power of any individual defamed to bring it under the cognizance of a court of law, the privileges of the House were at an end. There was one advantage which the discussion had obtained. No man on that night, or in the last debate, contended that the judgment of the Court of Queen's Bench was a proper judgment. He had the authority of the Attorney and Solicitor general of the present Government; of the Attorney and Solicitor general of the last Government; he had the authority of his right hon. Friend who had filled the office of Lord Chancellor of Ireland; he had the authority of his learned Friend the Member for Bandon, and of the right hon. Recorder for Dublin, himself acting in a judicial capacity; he had the authority of all these eminent men, some of whom questioning the propriety of the proceedings of the House in a subsequent stage, to confirm his view, for they all admitted, that the judgment of the Court of Queen's Bench could not be maintained. Even his hon. and learned Friend, who was the chief advocate of the conduct of the courts, admitted that the judgment could not be maintained, but thought, that when an individual was defamed by the House, the public ought to provide compensation. That was to say, his hon. Friend maintained this position, that those Ministers of the Crown who were concerned in the frauds of the South Sea scheme, and who were guilty of the misconduct exposed in Parliament, had a right, because they were libelled, to claim compensation from the public. How could his hon. Friend shrink from that conclusion? The law knew nothing of public stations and officers. If a man, libelled by the publications of that House, had a right to maintain an action, it mattered not whether he stood in a public or private capacity; and every Minister, however unjustifiable his conduct, every judge of the Court of Admiralty, and every officer condemned by an inquiry instituted by that House, had a right to demand compensation for all libels on his character. And if the judgment were erroneous, and if the privileges which he and others contended for, were essential to the proper performance of their functions, were they surprised that measures should be resorted to which partook of severity, and of an extraordinary character, when told they must submit their privileges to the decision of a court of law, and when the court of law told them, "By our decision your privileges are placed in the utmost jeopardy?" He contended the House acted throughout with great moderation. They went twice to the Court of Queen's Bench; and, on an application by Mr. Stockdale, the Lord Chief Justice interrupted the Attorney-general in his argument, on the ground that no public authority had a right to sanction such a publication as that complained of. If the position held good, that was laid down in the second judgment could be maintained, then not only the privilege of free publication, but every other essential to the due performance of their functions, would be endangered. He declared with the sincerity of an intimate conviction, that if the judgment could be maintained, he would not give ten years' purchase for the privilege of freedom of debate. He thought, that the privilege of free publication could be depended upon, on much stronger grounds than even that of free debate. There was no ground upon which one rested, upon which the other also did not depend. There was the prescription of two centuries. It might be argued with great force, that there were reasons for free publication which did not apply to freedom of debate—it might be said, that the one was the Act of the House of Commons in its collective capacity, and that there could be no possible presumption of malice when the House had ordered a publication. But with respect to the other privilege, it might be the act of an individual Member to gratify his private spleen and malignity, and shielding himself under the privilege of free debate. Suppose the Court of Queen's Bench were to question this privilege of freedom of debate, how would they act? Would they acquiesce? Would they appeal? Would they go to a Court of Error—to the House of Lords, to ascertain whether they had that privilege or not? Suppose the Court were to inquire upon what terms they held that privilege. He found that in 1837 the Speaker made a speech to the Throne, claiming all the ancient rights and privileges of the House, particularly freedom from arrest and liberty of speech. Suppose, then, a judge were to say, "This cannot be a statutory privilege, or the House of Commons would not, at the commencement of each session, pray the Crown to allow it to them; and a resolution of the House of Commons cannot contravene the general law. Here is a manifest case of abuse. A Member has acted under cover of privilege, with a feeling of private malignity, to the injury of an individual, and we maintain, with the judges of the Queen's Bench in former days, that Members of the House of Commons are liable to be questioned, if they exceed the proper limits of debate." Taking, then, that view of the case—if the House were not to be the judges of that merely political question, whether free publication of papers was necessary, he would ask, could they claim the privilege of free debate? Suppose the freedom of debate depended upon the presumption that the proceedings of the House were secret — suppose a judge were to take cognizance of that rule of the House which requires the Serjeant-at-Arms to take strangers in the gallery into custody, and were to say he inferred from that rule that parliamentary proceedings were to be secret, and consequently that no Member had a right to malign and defame the private character of individuals in the presence of those who, by the connivance of Members, were admitted. He would say, that a much more plausible argument might thus be maintained for denying the freedom of debate, abused as it might be, and perverted to the purposes of private malignity than could be urged against the publication of papers by the House of Commons, against whom as a body no presumption of malice could possibly exist what course, then, should the House pursue when there was obvious danger that they would hold all their privileges at the mercy of the courts of law? What but the independent maintenance of their privileges? If the House had been wrong in their proceedings in committing the plaintiff, and the attorney, and the sheriffs, it would not be only the superior courts that would have the jurisdiction—it would not only be those eminent and venerable authorities in Westminster-Hall who would judge of the privileges of the House of Commons. The House would not hold their privileges at the mercy of them alone, but at the mercy of every court in the kingdom, however inferior. Mr. Justice Littledale had said that "a publication sent out to the world, though in pursuance of the orders of the House, became separated from the House; and the agents of the House, that was the printers, acted upon their own responsibility." That was to say, that the House had no power to protect its own officers, though the Bill of Rights said that the proceedings in the House could not be questioned out of the House, in the same paragraph in which freedom of debate was protected. But the judges had maintained, that though proceedings in Parliament could not be questioned, yet, if the House made such an order as this—that certain documents should be published for the public information—that the printer, acting under the authority of the House, and in consequence of directions given to him by proceedings in Parliament, had no authority which did not belong to any publisher in any street in London. Mr. Justice Littledale went on to say, that he admitted, if his opinion were correct, the same question might be agitated in inferior courts—such as the quarter sessions and the borough courts. Were the judges right in saying that this power, appertaining to the judges of the Queen's Bench, was shared in an equal degree by every inferior court in the country? If that were so, was not the House equally bound by the decision of those inferior courts? It would be vain to say that the judges of these courts were not so learned, so experienced, as the judges of the Queen's Bench—they would be equal in point of power, and the next step would be that the House of Commons would hold its privileges subject to be questioned by every inferior court in the country. And suppose the inferior courts decided against the House. There was an impression made by the dignity and solemnity of the proceedings of the Court of Queen's Bench; to a county or a borough court belongs nothing of these grave paraphernalia, nothing of the eminent character for learning belonging to the superior judges—still their decisions were to be equally binding. Suppose ten actions were brought, and damages awarded, the House could not plead its privilege against them any more than in the superior courts. The bailiff might be an inferior man, but it was not the inferiority of station that was to exempt him from that sympathy which some hon. Members were disposed to evince towards the sheriffs. Could the House of Commons exist if every inferior court in the country could exercise jurisdiction over it? He would ask another question; he had been hitherto considering the case with respect to civil actions only. Suppose the proceeding against the printer had been by criminal indictment in one of the inferior courts. It might be said, in civil actions, "You can appeal to the quarter sessions—to the court above—to the fifteen judges—then to the House of Lords." But was there any appeal in criminal cases? Twice the judges of the Court of Queen's Bench had decided against them. If the case had gone by appeal to the House of Lords, he believed that the constitution of England would have been destroyed in one of its most vital and essential points. An appeal had been made to the House on the hardship of committing men like the sheriffs, guilty of no moral crime. To that appeal he answered by simply referring to the case of Mr. Hansard who had been guilty of no moral crime. Mr. Hansard was unable to exercise any discretion; he was ordered by the House of Commons, through the Speaker, to publish, and he acted according to the usages of the House. If Mr. Hansard had had no property, would he not have been in custody at that very moment. He could not regret, in the difficult situation in which the House was placed, having two decisions of the Queen's Bench against them, and seeing the consequences of acquiescence in those decisions, that the House had determined to exercise every power which the law and Constitution gave them, for the purpose of vindicating their privileges. If they had abstained from exercising their power, and had gone into the superior courts, he believed that their other privileges would have been placed in ten times greater jeopardy than they were at present. They had proved to two ministerial agents of the court that they had the unquestioned power to commit. Further, had the House the power to prevent payment of damages? If they could convince him that they had power, without this actual collision, which many perhaps might desire, by putting the *posse comitatus* against the army—of preventing the payment of damages, he should be disposed to rest where they were. The Solicitor-general had said something about an adjournment instead of a prorogation. That might serve for a certain period, but they could not, without the violation of the Constitution introduce perpetual adjournments. He believed they were now arrived at that point when her Majesty's Ministers must, as an united Government, submit to the House some comprehensive course for extricating them from the difficulty. He repented of nothing he had done or said. He would repeat, for the special benefit of the hon. Member for Finsbury, his former assertion, that if they were not to possess this power without liability to question, he would not remain a Member of the House of Commons, and he should advise the House of Commons to shut their doors and abdicate their functions. He would not object to a declaratory act which, if passed immediately, would have the effect of stopping the action that had just been commenced. An enabling bill would admit that they had not the inherent power. If the House were to remain passive, the action brought by Stockdale for his infamous publication which is called a libel would proceed, and the jury, acting upon the principle of the last, might advance the damages from 600*l.* to 6,000*l.* The House must consider what was to be done with actions that might hereafter be brought. If they refused to plead, there was no possibility of preventing the consequence: the Court of Queen's Bench would order the payment of damages, however heavy. Should they then plead? He for one said, no: he could not advise the House to that course. The noble Lord had suggested the course of pleading, and then committing the plaintiff and the attorney. But they could not plead without involving the necessity of making the House of Lords the court of appeal in the last resort. He came to one of two conclusions—either to persevere in the present course, or attempt by a declaratory bill to maintain their powers and render them more efficient. He hoped the noble Lord, in communicating with the Lord Chancellor and the other legal authorities, would maturely consider this point. He should be sorry to cause the least embarrassment to the noble Lord in his course, throughout which he believed he had been actuated by an earnest and sincere desire to maintain the privileges of the House. The noble Lord was responsible for the peace of the country; and if the noble Lord told them he hoped to pass a bill which should make our powers more complete, that course should meet with his (Sir R. Peel's) concurrence. But if they could not pass a declaratory bill, then he, for one, saw no alternative but that of persevering in the attempt by their own power to preserve their privileges, and trust to the influence of public opinion, and the conviction of the public mind that they could be influenced by no personal motives, but that they were struggling for the privileges of the people of England, committed to this House in trust for the community at large.

Mr. *Darby* scarcely understood what course the right hon. Baronet the Member for Tamworth proposed. It appeared to him that he was going to give a conditional vote; for he had said, that if a declaratory bill were passed, then he would consent to liberate the sheriffs. Now, he asked the House whether it was right that the question of detaining the sheriffs in custody should depend upon the success of that proposed measure? The noble

Lord opposite, too, said, that he was prepared to bring in a bill; but his reason for not consenting to the liberation of the sheriffs now was, that he should like to see whether that measure was likely to succeed, so that if that bill were not carried into law, he might fall back upon the sheriffs; but was that a course which the House would approve? He would not detain the House; but he asked whether any hon. Member had heard one reason for detaining the sheriffs in custody?

The House divided on the question that the sheriffs be discharged.—Ayes 94; Noes 165: Majority 71.

List of the Ayes.

Acland, T. D.
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Baillie, Colonel
Bentinck, Lord G.
Blackstone, W. S.
Bolling, W.
Broadley, H.
Bruges, W. H. L.
Cresswell, C.
Dick, Q.
Dowdeswell, W.
Duke, Sir J.
Duncombe, T.
Duncombe, hon. A.
Duncombe, hon. W.
Eaton, R. J.
Eliot, Lord
Filmer, Sir E.
Fitzroy, hon. H.
Follett, Sir W.
Forester, hon. G.
Gladstone, W. E.
Godson, R.
Grimsditch, T.
Halford, H.
Hamilton, Lord C.
Hawkes, T.
Herries, rt. hon. J. C.
Hodgson, F.
Holmes, W.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Humphery, J.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Jackson, Sergeant
James, Sir W. C.
Jones, J.
Jones, Captain
Kemble, H.
Knightley, Sir C.
Knox, hon. T.
Law, hon. C. E.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Mahon, Viscount
Nicholl, J.
Ossulston, Lord
Pakington, J. S.
Pattison, J.
Pemberton, T.
Perceval, Colonel
Polhill, F.
Pollen, Sir J. W
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, E.
Style, Sir C.
Sugden, rt. hon. Sir E.
Talfourd, Sergeant
Tennent, J. E.
Thompson, Alderman
Verner, Colonel
Vivian, J. E.
Walsh, Sir J.
Williams, R.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.

TELLERS.

Kelly, F.
Darby, G.

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Anson, hon. Colonel
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. C.
Chetwynd, Major
Clay, W.
Clerk, Sir G.
Clive, E. B.
Collier, J.
Collins, W.
Courtenay, P.
Craig, W. G.
Currie, R.
Curry, Sergeant
Dalmeney, Lord
Divett, E.
Duff, J.
Dundas, F.
Dundas, Sir R.
Du Pre, G.
Elliot, hon. J. E.
Ellice, right hon. E.
Ellis, J.
Ellis, W.
Evans, W.
Ewart, W.
Fleetwood, Sir P. H.
Gillon, W. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grattan, J
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harcourt, G. G.
Hardinge, right hon. Sir H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hollond, R.
Hope, hon. C.
Howard, Sir R.
Howick, Viscount
Hume, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Labouchere, rt. hn. H.
Lambton, H.
Lascelles, hon. W. S.
Lemon, Sir C.
Loch, J.
Lockhart, A. M.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Maule, hon. F.
Melgund, Visct.
Milnes, R. M.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rich, H.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Seymour, Lord

Sheil, rt. hon. R. L.
Smith, J. A.
Somers, J. P.
Somerville, Sir W.M.
Stanley, E. J.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Walker, R.
Wallace, R.
Warburton, H.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Wood, B.
Wynn, rt. hn. C. W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Steuart, R.
Fremantle, Sir T.

On the motion of Lord John Russell, the clerk read the petition of the Messrs. Hansard, relative to a fresh action which had been commenced.

Lord *J. Russell* said, I propose now to take the same course with regard to this action as I took with respect to that of the 1st of August, 1839. In that case the House determined that the report and minutes had been published by order of the House, and directed the Messrs. Hansard not to take any steps towards defending that action. It is clear to me, though I have stated my opinion as to the necessity for a declaratory bill, that this is the only course which in the meantime we can take, and I therefore move—"That the Messrs. Hansard be directed not to appear or plead to the action with notice of which they have been served."

Sir *E. Sugden* said, that he would move as an amendment, the notice which stood first on the paper—"That the Messrs. Hansard be at liberty to defend the action, as they may be advised, not involving the privileges of this House." He could explain his object in a few words. They must either plead their privilege as before in bar of the action, or plead the nature of the work itself, as had been done in the first action, when the question went to the jury, whether it was an obscene work, and they found that it was; and Stockdale consequently recovered no damages, though in that action their privileges were considered no bar. After the course which had already been taken by the House, after they had pleaded, and retired when the decision was against them, and then pursued the ministerial officers, the plaintiff and his attorney, on the ground that they would not allow the courts to judge of their privileges, he could not ask the House to be so inconsistent as to go back to the Court and plead their privileges again. The noble Lord proposed the same course as had been taken in that action, in which, in spite of all their endeavours, they had heard that night, that the damages had been paid into the pocket of Mr. Stockdale, and it was quite certain that they could never get them out again. The country then must pay; but he begged to state, that he should on every occasion oppose any attempt to charge the country with any other costs and damages in actions which they had thought proper not to defend. They might imprison as many persons as they pleased, but still the damages would be levied, and the jury, feeling as indignant as the House, might probably give a verdict for 10,000*l.* in the next action. The Messrs. Hansard had a perfectly good defence, independent of the privileges of the House; why, then, should they not be allowed to plead it? It was only the conduct of that House which enabled Stockdale to bring those actions.

Sir *W. Follett*, in voting against the proposition of the noble Lord, would express his dissent to it as loudly as he could. If judgment were to go by default, damages would be given, and they would again have to pursue the same course as they had now taken; but the money would get into Mr. Stockdale's hands. The noble Lord had admitted that he was aware that by the present course they could not vindicate their privileges; and if a bill were to be introduced, what could be the object of taking the course proposed by the noble Lord? It would not help the progress of any bill. He said, on the contrary, "Plead to the action; and if he were asked what that plea was to be, he would say, that Messrs. Hansard should plead, "we made that publication by the order of the House of Commons." If they did not plead, what would be the result? They would have no bill—there would be a levy for the damages, and the sheriffs, and attorney, and plaintiff must be again committed. Surely then it would be better to plead. He would not indeed recommend the plea suggested by his right hon. Friend; but he said, let them plead, that Messrs. Hansard had published this with the authority of the House, and ask the

Court of Queen's Bench to give the judgment which they said was right. He certainly would vote against the allowing the judgment to go by default, and yet he could not vote for the modified motion of his right hon. Friend. He hoped, that the noble Lord would re-consider his course, and would not again embark in the same difficulties in which they were now involved.

The *Attorney-General* was not aware that he need say one word upon this question, since the two learned Gentlemen had completely answered each other. The first right hon. Gentleman said, that if they pleaded again in bar, they would be the laughing-stock of the whole world. He agreed with the hon. Member for Ripon, that they would be laughed at if they again instructed their Attorney-General to plead their privileges at bar in the Court of Queen's Bench. What, then, did the right hon. Gentleman propose to do? To leave Messrs. Hansard to do what they could in defence of an action brought against them for what they had done by the authority of that House. It was said, indeed, that in this case, there was no libel, because it was true. One jury had so concluded, and another might do the same. But what was to become of the next action against Messrs. Hansard for publishing something that might be perfectly true, and yet not capable of strict proof.—[Sir *Edward Sugden* confined his motion to this action.]—Then there must be a Committee every time, to consider the validity of the proof of veracity. It was indeed easy to point out the difficulties which would arise from not appearing and pleading. But what was their other alternative? The hon. Member for Exeter admitted that the course recommended by the right hon. Gentleman, the Member for Ripon could not be adopted; and the right hon. Gentleman, the Member for Ripon said, that they could not plead the privileges of the House. The only course was to refuse to plead, as they had done in the case of Polack. He hoped that means would be found to settle the question on constitutional terms, and that such persons as Mr. Stockdale, should be prevented from obtaining damages. There was, he admitted, peril on the one side, but there was certain destruction on the other, and it was better to risk that peril than to allow the total destruction of those privileges which had been handed down to them from their ancestors.

The House divided on the original motion.—Ayes 148; Noes 58: Majority 90.

List of the Ayes.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Anson, hon. Colonel
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Busfield, W.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. C.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Collier, J.
Collins, W.
Craig, W. G.
Currie, R.
Curry, Mr. Sergeant
Dalmeny, Lord
Divett, E.
Duff, J.
Dundas, F.
Dundas, Sir R.
Du Pre, G.
Elliot, hon. J. E.
Ellice, E.
Ellis, J.
Ellis, W.
Evans, W.
Ewart, W.
Fleetwood, Sir P. H.
Freemantle, Sir T.
Gillon, W. D.
Goulbourn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harland, W. C.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hollond, R.
Hope, hon. C.
Howard, Sir R.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Labouchere, rt. hon. H.
Lambton, H.
Lascelles, hon. W. S.
Lemon, Sir C.
Loch, J.
Lockhart, A. M.
Lushington, C.
Lushington, rt. hon. S.
Macaulay, rt. hn. T. B.
Macleod, D.
M'Taggart, J.
Marshall, W.
Melgund, Viscount
Milnes, R. M.
Morpeth, Viscount
Muntz, G. F.
Murray, A.
Muskett, G. A.
Noel, hon. C. G.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rich, H.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, J. A.

Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Walker, R.
Wallace, R.
Warburton, H.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, C.
Wood, G. W.
Wood, B.
Wynn, rt. hon. C. W.
Wyse, T.
Young, J.

TELLERS.

Maule, F.
Steuart, R.

List of the NOES.

Acland, T. D.
Archdall, M.
Attwood, W.
Attwood, M.
Bentinck, Lord G.
Blackstone, W. S.
Bruges, W. H. L.
Courtenay, P.
Cresswell, C.
Dick, Q.
Duncombe, hon. A.
Eaton, R. J.
Eliot, Lord
Filmer, Sir E.
Fitzroy, hon. H.
Follett, Sir W.
Forester, hon. G.
Gladstone, W. E.
Hamilton, Lord C.
Herries, rt. hn. J. C.
Holmes, W.
Hope, G. W.
Ingestrie, Viscount
Jackson, Sergeant
Kelly, F.
Kemble, H.
Knightly, Sir C.
Knox, hon. T.
Law, hon. C. E.
Lincoln, Earl of
Litton, E.
Lowther, J. H.
Mackenzie, T.
Mahon, Viscount
Nicholl, J.
Ossulston, Lord
Pakington, J. S.
Pemberton, T.
Perceval, Colonel
Polhill, F.
Pringle, A.
Richards, R.
Round, J.
Rushbrooke, Colonel
Shaw, right hon. F.
Sheppard, T.
Sibthorp, Colonel
Stanley, E.
Style, Sir C.
Sugden, rt. hn. Sir E.
Talfourd, Sergeant
Tennent, J. E.
Thompson, Alderman
Verner, Colonel
Williams, R.
Wood, Sir M.
Wood, Colonel

TELLERS.

Inglis, Sir R. H.
Godson, R.

Lord *John Russell* moved, that John Joseph Stockdale, having commenced another action against Messrs. Hansard in respect of a publication ordered by that House, had been guilty of a high contempt and breach of the privileges of the House.

Mr. *Law* submitted that this motion could not properly be put to the House until it had received further evidence in the case. He would propose that Stockdale be called to the Bar, and be allowed the opportunity of making any statement, or offering any thing in explanation, that he might think proper. This at least was due to Stockdale before the House adopted the proceeding of changing his custody and committing him to Newgate. Entertaining this feeling, he begged to move, as an amendment, that Mr. Stockdale be called to the bar on Tuesday next.

Sir *Edward Sugden* asked, whether it were competent to the House to vote a man guilty of a breach of its privileges in a matter of this kind, without calling him to the Bar, and without any evidence.

The *Speaker* observed, that it was clearly competent to the House to proceed, if it were satisfied that Stockdale was the plaintiff in the action.

Lord *John Russell* remarked, that there was much more evidence in this case than in the case of Sir John Hobhouse, when that right hon. Gentleman was called before the House.

The House divided—Ayes 132; Noes 34: Majority 98.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Anson, hon. Colonel
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Busfield, W.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. C.
Clay, W.
Clerk, Sir G.
Collier, J.
Collins, W.
Courtenay, P.
Craig, W. G.
Currie, R.
Curry, Sergeant
Dalmeny, Lord
Duff, J.
Dundas, F.
Dundas, Sir R.
Du Pre, G.
Elliot, hon. J. E.
Ellis, J.
Ellis, W.
Evans, W.
Ewart, W.
Fleetwood, Sir P. H.
Fremantle, Sir T.
Gillon, W. D.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hollond, R.
Hope, hon. C.
Howard, Sir R.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hutt, W.
Hutton, R.
Jackson, Serjeant
Labouchere, rt. hn. H.
Lambton, H.
Loch, J.
Lockhart, A. M.
Lowther, J. H.
Lushington, C.
Lushington, right hn. T. S.
Macaulay, right hon. T. B.
M'Leod, R.
M'Taggart, J.
Marshall, W.
Maule, hon. F.
Melgund, Viscount
Milnes, R. M.
Morpeth, Viscount
Muntz, G F.
Murray, A.
Muskett, G. A.
Noel, hon. C. G.

Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Peel, rt. hn. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Ramsbottom, J.
Redington, T. N.
Rich, H.
Roche, W.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, J. A.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Sugden, rt. hn. Sir E.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Wallace, R.
Warburton, H.
Wilde, Serjeant
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, G. W.
Wood, B.
Wynn, rt. hon. C. W.
Wyse, T.
Young, J.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the NOES.

Acland, T. D.
Attwood, W.
Attwood, M.
Blackstone, W. S.
Bruges, W. H. L.
Cresswell, C.
Darby, G.
Duncombe, hon. A.
Eliot, Lord
Filmer, Sir E.
Fitzroy, hon. H.
Hamilton, Lord C.
Hope, G. W.
Ingestrie, Viscount
Kelly, F.
Kemble, H.
Knox, hon. T.
Lincoln, Earl of
Litton, E.
Mackenzie, T.
Nicholl, J.
Pemberton, T.
Perceval, Colonel
Polhill, F.
Pryme, G.
Richards, R.
Sheppard, T.
Sibthorp, Colonel
Talfourd, Sergeant
Tennent, J. E.
Thompson, Alderman
Verner, Colonel
Williams, R.
Wood, Colonel

TELLERS.

Inglis, Sir R. H.
Law, hon. C. E.

Lord *J. Russell* moved, that John Joseph Stockdale be committed to Newgate.

Motion agreed to.

* * *

HOUSE OF LORDS,

Tuesday, February 11, 1840.

MINUTES. Bill. Read a first time:—Prisons Acts Amendment.

Petitions presented. By Viscount Duncannon, from Leith, for the Total and Immediate Repeal of the Corn-laws.—By Lord Dacre, from Stambourn, for the Release of John Thorogood, and the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts.—By the Duke of Richmond, and the Marquess of Bute, from a number of places, against the Intrusion of Ministers into Parishes in Scotland without the consent of the Congregations.—By Lord Redesdale, from the Union of Shipston-upon-Stour, against making Workhouses liable to Parochial Assessments.—By the Duke of Wellington, from a number of places, for the Support of the Church as by Law Established.

STAMPED AND UNSTAMPED PAPERS.] Lord *Monteagle*, in presenting petitions from Lambeth and Tooting, for inquiry into the doctrines and the proceedings of the Socialists, said, that he hoped he might be allowed to avail himself of that opportunity to make a few observations on what had fallen from a right rev. Prelate (the Bishop of Exeter) in reference to the Stamp-office on a former occasion. He was anxious to give some explanation, as what had fallen from the right rev. Prelate was calculated to give rise to erroneous impressions and to be productive of pain to individuals. He was sure that it was not the intention of the right rev. Prelate to mislead their Lordships, and he was convinced that if the right rev. Prelate had been fully aware of the facts of the case, the statement to which he alluded would not have been made. The statement was this:—The right rev. Prelate had brought under their Lordships' consideration a certain weekly publication on which he had adverted in terms of strong condemnation; but not stronger he must say, than the publication deserved. The paper to which the right rev. Prelate alluded was called the *New Moral World*. In the course of his observations, the right rev. Prelate stated, that that paper, which every rational person must allow was open to every possible sort of imputation, from the absurdity and wickedness of the doctrines which it advocated, was returned to the Stamp-office, and he had charged the officers of that department with neglect of duty in not prosecuting a paper of that description. [The Bishop of *Exeter*—"*No, no.*"] He believed the right rev. Prelate had stated, that the *New Moral World* was taken in at the Stamp-office, and that therefore there could be no difficulty in suppressing it. If it was not stamped, the right rev. Prelate had said, that it was the duty of the Government to put down a paper of such a character. Now, that statement implied gross neglect on the part of the Stamp-office, and on the part of the Government, as it inferred, that by a guilty remissness on the part of the proper authorities, the publication in question had obtained a certain extent of impunity and of circulation. But the facts were not as had been, he would not say stated, but inferred, by the right rev. Prelate. This publication was not a newspaper. But even if it had been a newspaper, and if it did go to the Stamp-office, it did not go to that office with the view of enabling the officers of that department to exercise any authority over the doctrines which it advocated, or over the matter which it contained. The Stamp-office could exercise no such authority—it could not act as a *custos morum*—it could take no notice of the doctrines which the publication contained, as it was a mere fiscal department, and could only prosecute for breaches of the revenue laws. But this was not all. If this publication was stamped, it was well known that the stamp was put upon the paper before the impression was made of the matter published: and as the stamping was an act preliminary to the printing, the right rev. Prelate ought to have known that the Stamp-office could not consequently be responsible for what appeared in that paper, or in any other. It was quite true, as the right rev. Prelate had said, that the *New Moral World* did go to the Stamp-office; but let him ask why? It went to the Stamp-office because every publication containing advertisements was required to be sent to that office for the purpose of enabling that department to see that the duty on those advertisements was paid. In that way newspapers, magazines, or other publications, were sent to the Stamp-office, if they contained advertisements; but he was sure their Lordships would not hold the Stamp-office guilty in not prosecuting those periodicals for any articles they might contain which were deemed improper. The Stamp-office had nothing to do with the contents of those publications, and it was simply the duty of the officers of that department to see that the duty was paid upon the advertisements. It would now be clear to their Lordships, although there was a certain degree of responsibility cast upon the Stamp-office, with reference to the advertisements contained in these publications, that yet there was, in fact, when the matter was properly explained, no responsibility whatever, cast on that office, for the opinions contained in any publication. He had understood, that the right rev. Prelate had made inquiries at the Stamp-office in regard to this subject, that he had sent a person to that office with the view of ascertaining what the facts actually were, but the right rev. Prelate had not applied directly to the chief officers, the Commissioners of Stamps, from whom he would have received most satisfactory explanation, but to some of the subordinate officers, from whom full information could not be obtained. It was on that half information, correct as far as it went, but incomplete that the right rev. Prelate had come down to that House, and made the statement to which he had been alluding, and which was calculated to lead their Lordships to suppose, that there had been neglect on the part of the officers of stamps, which had enabled the publication in question to attain a certain extent of circulation. Before he sat down there was another matter to which he wished shortly to call their Lordships' attention. It had been stated on the best authority—he might say on the highest possible literary authority—that the measure of 1838, which had received the sanction of both Houses of Parliament, and became law, and which was introduced for the purpose of lowering the duty on newspapers, and for the suppression of unstamped publications, had been productive of no results. It was further said, that, by the connivance of the Government, those unstamped publications, which had been so much and so justly complained of, had been encouraged, and that they had, in consequence, greatly increased. Now, he must say, with all respect, that a more groundless charge could not have been brought forward—a greater misrepresentation could not have been made. When the measure for the reduction of the stamp duty on newspapers was introduced, the circulation of the unstamped publications exceeded in amount the circulation of the most-widely circulated newspaper in the metropolis. On one occasion an unstamped Sunday newspaper circulated 40,000 copies, a number exceeding, he believed, the circulation of the other publications coming out on that day. It was said, that the Government had connived at the circulation of these unstamped publications, but he would take it upon himself to say, that no exertion had been spared by the Government of which he had been a member, to put a stop to those publications, nor had any suggestion or recommendation of the law officers of the Crown, or of the revenue officers, been neglected. Upwards of 800 persons had been prosecuted for the sale of these unstamped papers, before the alteration of the stamp duties; but instead of repressing, every prosecution had tended to increase the evil. Those prosecutions had actually tended to encourage the publication of those papers, for when a conviction was obtained and a fine imposed, a subscription was entered into for the payment of the penalties, and a reward was actually given for the violation of the laws, What now were the facts? Since the time that the stamp-duty on newspapers had been reduced, no prosecution had been instituted, and when it was recollected, that those publications might be prosecuted at the instance of the magistrates, he thought, that that was a proof that their number was not so great as formerly. But that was not all. Those publications had rivals in trade who were sure to complain if they increased in numbers. He alluded to the stamped press, and after having inquired into the subject that day, he had found that, except in one instance, not one single complaint had been made. It was true, that their Lordships might have seen publications in the shape of newspapers, but those publications were not legally newspapers. He had to apologise to their Lordships for intruding himself on their attention at such length; but he believed, that he had only performed his duty in defending the gentlemen of the Stamp-office.

The Bishop of *Exeter* said, the noble Baron had complained that he had made a statement to their Lordships upon half information. The noble Baron, however, had himself come down to that House with less than half information in reference to what he (the Bishop of Exeter) had stated on a former occasion; or on that occasion as the noble Baron might have learned had he taken the trouble to inquire fully into the matter, he had made no charge, no complaint whatever, against the Stamp-office. All he had said was, that the Government must have been cognizant of the existence of the *New Moral World*, as that publication went to the Stamp-office; and he had added that the Government had the power, even should that publication not be stamped, to suppress it under the act for the reduction of the duty on newspapers. If the publication was stamped, he had said that it was still more within the reach of the Government, and it was of the Government therefore, and not of the Stamp-office, he had complained. If the noble Baron had had the courtesy to inform him of what he complained, he would have learned that there was no foundation for the charge which the noble Baron had brought against him. The principal officer of stamps and taxes had written to him upon this subject, and that officer had understood from him (the Bishop of Exeter) that no complaint whatever had been made against the Stamp-office. His complaint had been made against the Government alone, as, whether the publication was stamped or unstamped, it was filed at the Stamp-office, and therefore within the cognizance of the Government, whom he had blamed for taking no steps for its suppression. He would refer the noble Baron to the reports in the newspapers of what he (the Bishop of Exeter) had said on the occasion alluded to, and if the noble Baron would examine the report given in *The Times*, he would at once see that no complaint had been made against the Stamp-office. But he was in the recollection of their Lordships whether he had made any complaint or charge whatever against the officers of stamps, and he could not understand, therefore, how it had got into the head of the noble Baron that such a charge had been made. The noble Baron had said, that the *New Moral World* was not a newspaper in the legal sense of the term; let them, therefore, see how the matter really stood. In the schedule of the act of William 4th. for the reduction of the newspaper duty a newspaper was thus defined:—

> "Also any paper printed in any part of the United Kingdom, weekly or oftener, or at intervals not exceeding twenty-six days, containing only or principally advertisements; and also any paper containing any public news, intelligence, or occurrences, or any remarks or observations thereon, printed in any part of the United Kingdom for sale, and published periodically, or in parts or numbers *** or shall be published for sale for a less sum than 6d.

Now, it would not be denied that the *New Moral World* was published at intervals less than twenty-six days, or that it was sold for a less sum than six-pence. The question, therefore, was, whether it contained any public news. Now, he held in his hand a copy of the number preceding the last; for he had not been able to procure a copy of the last number, and in the last page he found it stated that "the Bishop of Exeter has presented the petitions of which he had given notice, and on that occasion he made a speech of two or three hours' duration." It then went on to comment on the speech which he had addressed to their Lordships. Now, that, in his opinion, was to be considered public intelligence. Then, again, he found a long article on "Social reform," in which remarks were made on the progress of Socialism in Preston and other places. That, too, was certainly to be considered public intelligence. He apprehended, therefore, that this publication was to be considered a newspaper under the statute of William, and that therefore all the provisions of that statute were applicable to it. If it was stamped, the Government had the power to suppress it under the stringent provisions of the act to which he had alluded. If it was not stamped, still, as it contained advertisements, it was necessary that it should be forwarded to the Stamp-office, and it thus came within the reach and knowledge of the Government. The Government, if they exerted themselves, had the power of knowing what was the state of the periodical press, and it was because they had that power, and because they also had the power to suppress publications of this description, that he had complained that they had not exercised the authority which they possessed. That was his complaint. He had complained of the conduct of the Government, and he had made no complaint whatever against the Stamp-office. He could only say, in conclusion, that the Government was bound to look at this publication, and to inquire into its character and tendency, as it was regularly filed at one of the public offices, and they could not, therefore, be ignorant of its existence.

Lord *Monteagle* wished to say a few words in explanation. If this publication was received at the Stamp-office, and if it ought to be stamped, the officers of stamps became responsible if they did not prosecute for the injury done to the revenue. Taking, therefore, the right rev. Prelate's view of the law, it was clear that he distinctly repeated his complaint against the Stamp-office. If, because a paper was sent to the Stamp-office for the purpose of counting the advertisements which it contained, the Government or the Stamp-office was to be held responsible for the doctrines which it advocated, he would leave it to their Lordships, who must see at every club house a variety of these publications, to say whether, in common sense and candour, any charge could be brought against the Government for not knowing everything which those innumerable publications contained. The right rev. Prelate had taken upon himself to say what the law was in reference to these publications, and he had said, that any publication containing information as to the progress of Socialism was to be considered a newspaper under the statute. If the doctrine of the right rev. Prelate were correct, the Government would be called upon to proceed against some of the best periodical publications affording literary intelligence to the public.—[The Bishop of *Exeter*.—Name.] He might mention the publication of the proceedings of the British and Foreign School Society, which had been encouraged and supported by his Majesty George 4th. That society published a journal of their transactions, which contained foreign intelligence. He would allude to a very different publication also. There was the *Western Vindicator*, which had excited much observation, and had been brought under the notice of the Government; but the law officers of the Crown were of opinion that the number first submitted to them was not a newspaper, but subsequent numbers containing news, were considered to be liable to prosecution,—proceedings were taken, and that paper no longer exists.

The Bishop of *Exeter* had only to remark upon that observation of the noble Baron's which related to the publication of the British and Foreign School Society. He was not cognizant of that publication; but he thought it was not a publication within the short period required by the statute—namely, twenty-six days. If it did come within that period, then he had not the slightest hesitation in saying, that it appeared to him as much open to the charge of being a newspaper as the one to which he had alluded as being so. If the noble Baron did not know that to be the case, surely he might as well have talked of anything else not in the remotest degree connected with the subject.—[Lord *Monteagle*.—Well, the *Saturday Magazine*.] Oh! the noble Baron changed the name. His first attempt not succeeding, he tried what the *Saturday Magazine* would do. He did not believe that that publication contained public intelligence. He thought it was made up chiefly of information certainly, but not of current day-going information. He lamented that the noble Baron had not told him at once what he had been told he (the Bishop of Exeter) had said, or what the noble Baron fancied he had said, for he would have thereby spared their Lordships this conversation.

Subject dropped.

SOCIALISM—MR. PARE.] The Bishop of *Exeter* said, he had to ask a question, somewhat connected with the subject just discussed. It would be in the recollection of their Lordships that on a former occasion the noble Marquess, the Secretary of State for the Home Department, stated that while he did not agree that Mr. William Pare, the superintendent registrar, had been proved to have been guilty of certain facts, yet that there were things in which the noble Marquess found in the statement of the congress of the society itself, which induced him to believe that Mr. Pare was not a fit person to hold that office. Now, he had understood the noble Marquess to say that Mr. Pare had ceased to be superintendent registrar; and what he ventured to ask was, whether that individual was dismissed by the noble Marquess, or whether, as stated by a noble Lord elsewhere, he was not dismissed, but permitted to resign?

The Marquis of *Normanby* said, that when he saw Mr. Pare, he told him the particular allegations which had been made against him by the right rev. Prelate, informing him that he would give him an opportunity of answering those allegations. He at the same time explained to him, that whatever his answer would be, it would not affect his ultimate decision, as to how far, being ostensibly connected with such a society, he was or was not a fit person to remain in the office he then held, but that he reserved that point until Mr. Pare should have an opportunity of making a denial. That denial he told Mr. Pare was to be made, not to him, but to the registrar-general. That communication, he understood, Mr. Pare had made to the registrar-general, the substance of which was contained in the petition that had been presented to their Lordships. Mr. Pare having made what he considered an adequate denial of the particular allegations against him, then tendered his resignation.

The Bishop of *Exeter* did not wish to press upon a fallen man. He had ceased to be a public officer, and he should let the matter rest there. But there was an individual mixed up with these transactions who required to be defended. The petition alluded to, made statements against Mr. Foy, from whom he had received a letter denying every one of those statements, and saying he was ready to prove on oath directly the contrary. That was not the only contradiction he had received of those statements. He had also received letters from highly respectable individuals having no connexion whatever with Mr. Foy, who said they were present at one of the society's meetings when Mr. Pare presided, and when the blasphemous things occurred, although Mr. Pare declared the very contrary in his petition. He stated this solely for the purpose of vindicating Mr. Foy; the noble Marquess having, he was sorry to say, dealt with Mr. Foy as if he had done all that he had been charged with doing. One of the allegations contained in the petition was this: "Your petitioner resigned his office of vice-president of the association in May last, before the alteration of its title, and has ceased to belong to, or to take any part in, any Socialist association." Now, he asked their Lordships, as men of common sense and applying their common sense to the construction of those words, whether they would not suppose that that individual had in May last ceased to be vice-president of the association and to take any part in its proceedings? What would their Lordships say when he told them that it appeared by the *New Moral World*, Nov. 30, 1839, that the petitioner was then an active member of the association? For it is said, "At the conclusion of the address (at the meeting of the Socialists at Birmingham) Mr. Pare read to the meeting a memorial to the Government for the adoption of the Socialists at Birmingham, respecting the late disturbance in Wales, and recommending the Social principles as the only means to prevent the renewal of such dreadful outrages, which was afterwards proposed and carried unanimously, and signed in behalf of the meeting by the chairman and secretary of the branch."

The Marquess of *Normanby* could only say, as regarded himself, that he had merely stated the fact that Mr. Pare had presented such a memorial. He had pronounced no opinion upon it, nor had he considered it a matter for inquiry beyond the question of Mr. Pare himself, and his fitness or unfitness for the office he held.

Subject at an end.

HOUSE OF COMMONS,

Tuesday, February 11, 1840.

MINUTES.] Bills. Read a first time:—Grammar Schools; Copyright.—Read a second time:—Transfer of Aids.

Petitions presented. By Mr. Dennistoun, Sir G. Strickland, Captain Pechell, Sir H. Fleetwood, and Mr. Baines, from a great number of places, for the Release of John Thorogood, and for the Abolition of Church Rates.—By Mr. Leader, from several places, for a Free Pardon

Frost, Williams, and Jones.—By Sir R. Peel, from Manchester, in favour of the Designs Copyright Bill.—By Mr. F. Maule, from Banffshire, against the Intrusion of Ministers against the Wishes of the Inhabitants.—By Sir E. Sugden, from Ripon, for Church Extension.—By Mr. O'Connell, and Sir W. Somerville, from several places, for Municipal Reform, and Extension of the Franchise to Ireland.—By Mr. White, from Staffordshire, for the Repeal of the Corn-laws.—By Mr. Curry, from Warwick, for Church Extension.—By Sir R. H. Inglis, from a number of places, for Church Extension, against the Government plan of Education, and for a large Grant for Church Education, to be placed under the control of the Clergy of the Church of England.—By Mr. F. French, from a place in Ireland, for Medical Reform.—By Sir R. Jenkins, from the East India Company, for Altering the Duties on Sugar.—By Mr. Grote, from Northampton, for an Inquiry into the Doctrines of Socialism.—By Mr. Halford, from a place in Leicestershire, for the Means to promote Religious Instruction.—By Lord Eliot, from a place in Cornwall, against the Poor-law Act.—By Mr. Wallace, from Paisley, against Local Courts.—By Mr. Hume, from a number of Chartists, for Legislative measures promoting their Welfare.—By Mr. Ormsby Gore, from places in Salop, for Church Extension.

BRIDGES ON CANALS AND RAILWAYS.] Mr. *Barneby* rose to move the following resolution, of which he had given notice:—

"That a clause to the following effect be inserted in all the Railroad and Canal bills which may pass through Parliament during the present Session:—And be it enacted, that no bridge or tunnel, or approaches to the same, for carrying any other public carriage road over or under any part of a railroad or canal, shall be made or constructed of less width between the fences, walls, or parapets thereof, than twenty-one feet; nor shall any bridge or tunnel, or approaches to the same, for carrying any other public carriage road over or under any part of a railroad or canal, be made or constructed of less width between the fences, walls, or parapet thereof than sixteen feet, nor in any case less than so much greater width, not exceeding thirty feet, as may be the average width of the turnpike or other public carriage road for one hundred yards on each side of that part of the railroad or canal where any bridge or tunnel is intended to be made or constructed; and that the committee on the bill do report specially to the House that this resolution has been complied with."

He did not mean that it should apply to bridges already built, but only to those hereafter to be constructed.

Lord *Granville Somerset* approved of the principle of the clause, but doubted whether it ought to apply to acts already in progress.

Mr. *Labouchere* thought, that there was an objection to legislating on these matters one by one when there was a committee sitting on the whole subject of railways; and he recommended the hon. Gentleman to refer the clause to that committee, as being the best way of duly considering the importance of the clause.

Sir *George Strickland* would also recommend the hon. Gentleman to adopt the course pointed out by the right hon. Gentleman.

Mr. *Barneby* said, he had much pleasure in acceding to the request which had been made.

Resolution referred to the committee.

CHURCH RATES.] Mr. *T. Duncombe* said, that towards the close of the last Session of Parliament, he had called the attention of the House to the case of John Thorogood, who was confined in her Majesty's gaol of Chelmsford, under the authority of the Consistorial Court of the Bishop of London, for the non-payment of 5*s.* 6*d.* church-rates. On that occasion, after the House had heard the case, it came to this resolution:—

"That it appears by certain papers laid before this House, that John Thorogood, a Protestant Dissenter, has been confined in her Majesty's county gaol of Essex since the 16th day of January last, for neglecting to appear in the Consistorial Court of the Bishop of London, for the non-payment of 5*s.* 6*d.*, being the amount of church-rate assessed upon him for the parish of Chelmsford; and it is the opinion of this House, that it will be the duty of the Legislature, at the earliest possible period of the next Session of Parliament, to make such alterations in the existing laws for levying church-rates, as shall prevent the recurrence of a like violence being ever again inflicted upon the religious scruples of that portion of her Majesty's subjects who conscientiously dissent from the rites or doctrines of the Established Church."

It was with a view of giving a practical effect to this resolution, and, in order that it should not be a dead letter, that he begged now to call the attention of the House to this extraordinary case. Mr. Thorogood had now been a prisoner in Chelmsford gaol for the non-payment of 5*s.* 6*d.* during the last thirteen months. He believed, that a more charitable, a more kind, or a more humane man, did not exist than this person, who was a Dissenter. If it was a fault for an individual to differ from others in political feeling, or in religious creed, such certainly he believed were the crimes of Mr. Thorogood. Those who had any concern in the election of the Members for Essex well knew that person was a political partisan, but against his disposition or his moral character not one word could be offered. In now submitting this case to the notice of the House he need not occupy its time in going into any of those disputed points with regard to the laws respecting church-rates, or against the powers or jurisdiction of ecclesiastical courts, which every one he thought would admit were blots upon the free institutions of the country; but that to which he wished particularly to draw attention was the case of Mr. Thorogood, and he should also submit to the House a measure which he considered would afford a remedy for that individual, as well as others who might be similarly situated. He believed, that those persons who objected to the payment of the church-rates were of two classes—those who belonged to the Established Church itself, and thought that the revenues of the Church were amply sufficient to pay its expenses; and those who, being Dissenters, had conscientious objections to contribute to the ornaments of a worship which was not their own. To the source of the evils which were complained of, he proposed to go, and if he could to stop it, and he should conclude his present address by asking for leave to bring in a bill to effect that object. The provisions of the bill were extremely simple, but he thought that they could be proved to be most just. He proposed, in the first instance, that so far as regarded Mr. Thorogood himself, he should be forthwith discharged from confinement; and that all persons, who should hereafter be proved conscientiously to dissent from the rites or doctrines of the Church of England, should not be subjected to imprisonment for refusal to pay, or non-payment of the rates. But he should require, in order to give the right to Dissenters to be absolved from the payment of those rates, that individuals claiming to be exempted should make a declaration, that they did conscientiously dissent from the rites and doctrines of the Church, and he believed, that this was a course to which no Dissenter would for one moment object. He would read the form of the declaration which he proposed should be made. The provisions of the bill were, that the person should go before a magistrate in the district of the county in which he lived, and should then make this solemn declaration:—

"I, A. B., do solemnly and sincerely declare that I am not of the communion of the Church of England, as by law established, but I do dissent therefrom; and I do solemnly declare that on that account I object to the payment of Church-rates; that I do not do so from any pecuniary or interested motives, but for the sake of my conscience only."

This declaration having been made, it would become the duty of the magistrates to grant a certificate, and the party being in possession of that certificate might for the space of three years, plead it in bar to any action, suit, citation, or summons, brought on account of the non-payment of church-rates. This being done, he thought it was but fair that the individuals making such declarations should take no part at all in any proceedings of any vestry meeting convened for the purpose of making a church-rate, or, indeed, referring to any question at all connected with the Established Church, and he believed that this was a condition to which the Dissenters themselves would submit. They had no objection whatever to be disqualified, and all they wished was to be left alone in the exercise of their own religious feelings, in return for which they would not interfere in ecclesiastical affairs, which, in point of fact, did not in the least interest them. He had adopted this provision in obedience to a suggestion made in a most able article which appeared in the October number of the *Edinburgh Review*. It was there said

"The Government has made various attempts to avert these calamities; but opposed, sometimes by Churchmen, sometimes by Dissenters, their efforts have been of no avail. Vestries continue to be scenes of discord more discreditable than the worst of popular elections in the worst of times. There is but one remedy, and that remedy is justice. The Churches belong to the establishment. The worship celebrated within their walls is for members of the establishment. Let vestries for Church-rates be attended by none but members of the establishment; and let the Church-rate they impose be assessed on none but members of the establishment. As a Church establishment and endowed by law, in subordination to the state for all her civil rights, the Church will continue to possess her lands, rents, and other legal emoluments; while the repair of her Churches and the expense of her worship will be defrayed by members of her own communion. The indecent contentions that disgrace our present vestries will be prevented. Rectors will have no longer occasion to stuff their ears with cotton, as some of them do at present, before they venture into the vestry-room. Dissenters will have no pretext to intrude themselves into meetings where the subject of discussion is a Church-rate from which they are exempted; and, if any of them were to show himself there his presence at the vestry ought to subject him to his quota of the tax."

Now, he believed that scarcely any one who had at all attended to the subject would defend or support the disgraceful scenes which were occasioned by the existing law. He would give an instance to the House which had occurred at Margate about four months ago. In the month of October a church-rate was called for, and he would read to the House a report of the transactions attending that meeting as it appeared in the newspapers:—

> "The excitement to-day in this town by far surpasses anything ever before witnessed in Margate; everything in the shape of business is at a complete stand-still. The advocates for the rate are exerting themselves with their whole might; every Cobbite is doing all that money and influence can accomplish. The various workmen of the leading men of this party are sent into the Church to vote in dozens; many of them forget their instructions, and upon arriving at the poll table can give no other answer than that they vote for Mr. Cobb, Mr. Rammell, or Mr. Somebody else, upon that side; after being turned from the table for being too stupid to give an answer, they receive a fresh lesson, return, and vote. At the close of the day's poll the numbers were:—For the rate 345, against it 300; majority 45. Saturday morning: Up to two o'clock p.m. the advocates for the rate gained upon the non-raters; at this hour, however, the inhabitants became conscious, for the first time, of defeat; and, vexed beyond measure at the overbearing behaviour of the Cobbites, rose *en masse* and proceeded to the Church in such numbers that, at four o'clock, the rev. Vicar declared that the majority against the rate was 50. During the evening the greatest joy was manifested throughout the town; bands of music played; guns were fired; and satisfaction was visible in the countenance of nine-tenths of the inhabitants."

He would ask any one whether that was a species of proceeding at all to be approved of? It could not surely be said that the wealth of the Church would be diminished by the exemption of the few Dissenters who would make the declaration which he had pointed out. Every one knew that that wealth was far beyond that of any national Church in the world—nay more, that the Ministers of the establishment of England received more than the Clergy of any Christian Church in the world. Then surely it would not be said that conscience had nothing to do with the question. They could not suppose that Mr. Thorogood, who had suffered imprisonment for 13 months, had any motive or object in the world, except those which were presented by his conscience, for refusing to contribute to the wealth of that Church from which he dissented, and he hoped that he should not hear in that House, at all events, the consciences of the Dissenters thrown into ridicule, If the question of conscience was to be discussed, where was that, he asked, of the Rector of Chelmsford, under whose authority and sanction this individual was imprisoned? He could not understand of what materials his conscience was composed, who day after day would call upon his congregation to supplicate mercy from the Almighty upon all prisoners and captives, and could yet be the cause of a captivity like this. But he hoped that it was not necessary for him any longer to detain the House, because he did not think that any opposition would be offered to the motion which he intended to submit to its consideration. He knew that all those Dissenters as well as Churchmen, by whom its provisions had been seen, had given them their approbation, and he trusted that her Majesty's Ministers, when they had also inquired into them, would take this great and important question out of the hands of so humble an individual as himself; but if he were disappointed in this expectation, he should feel it to be his duty, however incompetent he might be, to endeavour to take the measure through its various stages in the House—believing, as he did, that it was founded in justice, and that he should thereby contribute to the happiness and good order of society. The hon. Gentleman concluded by moving for leave to bring in a bill to relieve from the payment of Church-rates that portion of her Majesty's subjects who conscientiously dissent from the rites or doctrines of the Established Church.

Mr. *Gillon*, in seconding the motion, could not help expressing his abhorrence and disgust at the atrocities perpetrated in the course of the collection of Church-rates, for, with whatever respect the Established Church might be viewed in that House, there were great numbers of people in this country who felt a great repugnance to it. In the country to which he himself belonged, there was no passage in their history to which the people referred with so much exultation as to the battles which they waged, not against Popery, but against the tyrannical intrusion of Prelacy into the Church of Scotland. He thought, that a demand for Church-rates came with a very ill grace from the

Church of England, when they considered what a wealthy Church it was. They talked about Church extension, but if they wanted it, let them spare something out of their own funds to advance the cause of religion, without coming to others. He hoped, that they would get rid of Church-rates altogether. Mr. Thorogood had nobly led the way, and he trusted that, grave as his sufferings were, he would not be weary of well-doing. He trusted, that Mr. Thorogood would not consent to be released from gaol until an act of the Legislature had put an end to Church-rates. Upon these grounds he seconded the motion.

Lord *John Russell* observed, that there were various questions which were raised by the motion of the hon. Gentleman. The first question was that which was connected with the case of Mr. John Thorogood, and he thought that his case hardly deserved the character given of it by the hon. Gentleman—namely, that Mr. Thorogood was a person suffering conscientiously in a cause which was entitled to the consideration and the support of Parliament. It appeared from the petition of Mr. Thorogood himself, that he had been summoned to appear before the Ecclesiastical Court of London, and that he had refused to pay the Church-rates demanded of him, because he did not choose to appear before a court constituted on rules equally repulsive to constitutional principles and to common sense. Now, he was very sorry to find that any persons should suffer themselves to be imprisoned on grounds like these. He owned he did not think that every and any individual in the country was entitled to say before what court he would or would not appear, whether the demand for which he was sued was made valid by an Act of Parliament or by the common law, and that he himself should be the judge, according to his own views, principles, and opinions, whether he was justified in refusing to pay obedience to the summons of that court. For this reason he thought that it was not a fair representation of the case to state that this man had been detained in prison about thirteen months for his refusal to pay a church-rate of 5*s.* 6*d.* It clearly appeared, that Mr. Thorogood was determined to assert a right of not paying obedience to the legal courts before which he was summoned, and to place his defiance on record in contradiction to the law of the land. Now, he did not think that Parliament could be fairly called on, whatever might be its feeling with respect to the propriety of Church-rates, to give a remedy to a party because that party had suffered imprisonment on the grounds which he had mentioned. The petitioner stated, and stated truly, that he was charged with no moral crime, and that the only allegation against him was, that he had neglected to obey the summons of a court. That was just what he said; the petitioner was not charged with any moral crime, but he thought the House of Commons would not say that the summons of a court was to be neglected, and that Mr. Thorogood or any other subject might disobey it with impunity. He did therefore confess, that much as he had heard of the case of Mr. Thorogood, and believing him to be sincere in the principles which he professed, he did not think the case was one which called for the interference of Parliament. No doubt Mr. Thorogood was impelled by conscientious motives; but what was he impelled by his conscientious motives to do? Why, they led him to assert the principle of voluntary payments; and he stated, that he believed the existence of a State Church to be repugnant to the principles of the Holy Scriptures, and detrimental to the cause of religion. He thought he ought not to contribute to its support, and, therefore, he refused voluntarily to pay Church-rates. It might be Mr. Thorogood's conscientious opinion that religion ought not to be supported by the State, but so long as we acknowledged the law by which a State religion was established, so long that law ought to be enforced. But he went further than that: he thought that the Established Church of England was founded on just, and wise, and sound principles. He was not prepared, therefore, to agree with Mr. Thorogood in his theoretical opinions; but even if he could agree with him in his abstract opinions, still he thought that it would not become Parliament to decide, that those who disobeyed the law should not pay the penalty of their disobedience. Thus much, then, for the first question raised by the motion of the hon. Gentleman. There was a further question which it brought forward, and that was the question of church-rates in general,—a subject on which he had at various times stated his opinions. He certainly did think that the question of church-rates was an unnecessary and vexatious source of animosity, and that any method by which the grievance which they occasioned might be either diminished or taken away would be a benefit to the Established Church and to the religious establishments of the country. It was with that view that he had more than once assisted in proposing measures which he thought likely to remove that grievance. The first proposal was to abolish Church-rates, and to charge the deficit on the public funds of the country. That proposition was objected to on the part of the Dissenters, who showed that they objected to the charge altogether, and that they would be likely to combine for the repeal of any law which fixed the payment of Church-rates on the public purse. If that proposal therefore had been accepted, the same contest would have been carried on between the Church and the Dissenters, with this difference, that the battle would have been fought upon new ground, instead of upon the ancient law of the country. There was another proposal which had been made by Lord Monteagle, when Chancellor of the Exchequer — that the Church-rates should be made up by an improved system in the management of the Church-lands. That proposition was objected to on the other side of the House, and by the Church of England, and it was consequently, found impossible to carry it into effect. These two measures, then, having failed, he did not see the way to effect a settlement of the question, or by what measure they could altogether, take away the grievance of Church-rates. He thought, that the same jealousy which prevailed betwixt the Church and Dissenters would show itself, not only on the question of Church-rates, but upon all measures which related to the abolition of the Church-rates. He thought there was no measure which could be brought forward for the settlement of this question, which would not be considered as intended to give unfair advantage to one party or the other. This unfortunate feeling of jealousy would prevent the success of any plan which might be proposed. He came next to the plan of the hon. Gentleman, which was this—that a certain portion of the people—that portion of her Majesty's subjects who conscientiously dissented from the rites and doctrines of the Established Church—should be relieved from Church-rates; and the hon. Gentleman proposed, that the mode of testing who were, and who were not, conscientious Dissenters, should be a declaration made to that effect by the parties so tested. He must say, that such a mode would be to him quite unsatisfactory. The hon. Gentleman would ask certain persons to declare that they objected to Church-rates on conscientious grounds. In that plan there was in the first place an obvious temptation to fraud, by giving a pecuniary benefit to those who should make the required declaration. He could well understand that persons who would not take the oaths which were designed for members of the Established Church, or those for Protestants generally, should have the same civil benefits as those of their fellow-subjects from whom they differed in theological opinions, by making some form of declaration instead. But the object of that arrangement was to give the persons who would be otherwise excluded, equal advantages with the other subjects of the realm; it was saying to them, "This is the oath of the Established Church; but the stringency of that oath shall not deprive you of the benefits which the members of the Established Church enjoy;"—or, "This is the oath for Protestants; but you being Roman Catholics shall not be called upon to take it, but you shall make another prescribed declaration, in order that you may be admitted, not to greater, but to the same benefits as those enjoyed by others." The meaning of that was plain, obvious, and satisfactory; there was no temptation to false representation. But in the case before the House the benefit sought to be conferred by the plan of the hon. Gentleman was greater than that which the members of the establishment enjoyed. It was not a plan for admitting others to the possession of the same advantage with them. It was, in fact, saying to the members of the Established Church, "You must pay rates to the churches; you must pay for the repairs of the church; but if you conscientiously dissent, if you do not belong to that Established Church, if you make that declaration, you shall be free from the claim." Therefore with regard to the 5*s*. 6*d*. which every man in the parish might be called on to pay, a John Thorogood, being a conscientious Dissenter, was to be exempt from its payment. That was obviously unfair. And moreover it would work mischievously. A member of the Established Church, perhaps a very lukewarm and almost an indifferent member, seeing those who professedly belonged to the Establishment were each called upon to pay 5*s*. 6*d*. a-year towards its support, and that the Dissenter, being a conscientious objector to church establishments, was relieved from that burden, he would be immediately tempted to make the required declaration to relieve himself also. No doubt his hon. Friend, the Member for Kilkenny, would bring forward some very ingenious and convincing arguments in answer to that observation. But if they said, as they must say, that they meant to maintain the Established Church, and if the laws of the country maintained the Established Church, how could they at the same time set up a law by which a bribe was to be offered to any persons who chose to make a certain declaration, by which they could relieve themselves from their obligation to pay rates in support of the Church? It was impossible to ascertain who those were that conscientiously dissented from the Established Church, and those who might be indifferent to it, by the plan proposed by hon. Gentlemen. But there were other objections to this measure. There was the great and paramount principle, that they ought not, in a measure of this kind, to distinguish between those who were members and those who were not members of the Established Church, when a burden was to be imposed, whether tithes or any other charge, upon the whole of the subjects of the land. The principle on which alone they could maintain the Established Church was, that it was for the common good, and that was a principle which entitled them to ask for that burden to be laid upon all. He owned that he should be sorry to see those times return when those who preached the gospel were obliged to look to the voluntary support and contributions of their flocks. He should be sorry if the lines of Dr. Johnson, with respect to the drama, should become applicable to the ministers of religion—

"The drama's laws the drama's patrons give,
For those who live to please must please to live."

He should regret if the circumstances of the Church were to render it necessary to turn those lines thus—

"The pulpit's laws the pulpit's patrons give,
For those who live to please must please to live."

He did not think that those who had to maintain the doctrines of the Church from the pulpits of the establishment of this country ought to be left to look to the voluntary contributions of the people for their support, or that they should be supported only because they were popular, eloquent, or plausible preachers. Disagreeing, therefore, with the petition and the remedy which the hon. Member proposed, he could not assent to the motion. But he would state what, and what only, he was prepared to do at the present time. He had already stated, that if he could furnish a complete and absolute remedy for what he believed to be the cause of the dissensions and disputes between the Church and the different religious sects of this country, he would be most anxious to do so, being convinced that it would not only be advantageous to the establishment, but to the cause of Christianity generally; because when he heard so much of those who were opposing the doctrines of Christianity by infidel opinions and sentiments subversive of all morality, he could not but think it most desirable to end those dissensions and heartburnings which, while on the one hand they diverted the ministers of the gospel from their duty, and prevented them from giving their whole time to preaching its truths, on the other afforded much matter for reproach and scandal against the ministers of the gospel, not only from the open and avowed enemies of religion, but from others who were not influenced by extreme notions on theological subjects. All that he was at present prepared to do was, to provide that some bill should be introduced to Parliament, proposing that the remedy for non-payment of Church-rates should, in the first place, not be by summons to the ecclesiastical courts. He did not think those were the proper places in which the remedy should be sought, because he considered the payment of Church-rates entirely a civil payment, and that the ecclesiastical courts were not therefore the proper tribunals to interpose, but ought to be excluded from enforcing the payment of Church-rates. He thought also, that as it was a civil payment, the remedy ought not to be against the person, but against the goods. He was, therefore, ready to give his assent to any bill by which the remedy should be entirely confined to the civil courts, and be against the goods, and not the person. That was usually the way, he believed, in which the payment of tithes was enforced, and he thought Church-rates ought to be recovered in the same manner. With these sentiments, therefore, while he declared that he was quite ready to introduce a bill which would not take away Church-rates, but prevent the recurrence of a case like that which had just been brought under the notice of the House, he must say that he was not prepared to agree to any measure which would tend to weaken the Established Church. He must therefore oppose the measure of the hon. Gentleman, because it was not founded on sound principles, and, if adopted, it would lead, he believed, to very dangerous consequences.

Mr. *Hume* regretted, that the noble Lord had come to such a conclusion, after having so fully stated the grounds of the grievances of the Dissenters, and that he should contemplate the continuance of that evil which he admitted ought for the sake of the Church to be remedied. He must also say he was very much surprised to hear the noble Lord state he had no sympathy for the sufferings of John Thorogood. Did the noble Lord mean to say, that a person who, for conscientious motives, was placed in a worse situation than that of many persons guilty of atrocious crimes, because not subjected to a longer imprisonment than that to which John Thorogood had been subjected, and whose character was admitted to be of the most exemplary kind, was not worthy of sympathy? What was the position the noble Lord placed himself in? He declared, that he had no sympathy for that individual, and he did not make any distinction between a criminal imprisoned for the most atrocious crimes, and this person who had suffered his imprisonment for conscience sake. The noble Lord had read portions of the petition—he wished the noble Lord had read that passage in which the petitioner said, that he approached that hon. House complaining of a cruel and unjust law. Did the noble Lord deny, that the law was cruel and unjust? [Lord *J. Russell*—yes.] Then why did the noble Lord concur with the present Earl Spencer, when Lord Althorp, in bringing in a bill to abolish Church-rates? and why, by his own admission, had he been a party to two proposals to alter the law, if he did not think it wrong? Why did the noble Lord propose a plan for transferring the burden of Church-rates to the consolidated fund? That measure was opposed by the Dissenters, no doubt, but why? Because it was not a measure that would have removed the burden, but merely renewed it in another shape. It was very well for the Dissenters and for the country, that they did not accede to that proposition, for had they done so millions would have been added to the consolidated fund by this time. Did the noble Lord believe, that the people of England, one half of whom were Dissenters, would go on permitting their property to be seized, and their persons imprisoned, for a tax to maintain the fabric of the Church, already so amply, so liberally endowed by Parliament? It was against paying any tax of the kind that Thorogood and the Dissenters were standing up. The noble Lord did not think John Thorogood entitled to any sympathy. He (Mr. Hume) could tell the noble Lord, that he had the sympathy of the millions out of that House. No great cause had ever been carried without its martyrs: and John Thorogood had been, and would be a martyr in this cause. He had been willing to sacrifice his own comfort and liberty, in order to bring before the notice of that House and the country this unjust law. And the noble Lord, forsooth, was opposed to the plan of his hon. Friend to allow Dissenters to declare their conscientious opposition to the payment of Church-rates and to avoid payment. He said, that it would be holding out a pecuniary bribe to members of the Church to subscribe such a declaration. What! did the noble Lord mean to say, that any man worthy to be called a member of the Established Church would, for the sake of half a crown, or *5s.*, or *5s. 6d.*, be induced to take a false oath? Why, on what a slippery footing did the noble Lord place the belief of the members of the Establishment! He really could not help smiling at the position assumed by the noble Lord. The noble Lord wished to maintain the Established Church; yet he told the House, that he had no confidence in the members of that Church, for he believed, that they would give up their faith for the sake of one shilling or five shillings. Was the noble Lord really sincere in putting the permanency of the Established Church on such a footing? What relief did the noble Lord propose to afford to the Dissenters? Why, he said, in these times, when infidel opinions threatened to overturn established opinions, and remove every thing that could tend to promote the respect of the people for the Church, he could not introduce a measure, such as would give satisfaction to one party without exciting the opposition of the other. If it was desirable to preserve the respect of the people for the Church, why did he not remove this fruitful source of discontent towards the Church? To change the mode of proceeding from the ecclesiastical to the civil courts—was that to do away with the Church-rate? Did the noble Lord really believe, that the people would allow that impost to continue, or that they would be satisfied with such a compromise as this? The words of the petitioner were that he believed "the existence of a state church to be repugnant to the principles of the Holy Scriptures, and detrimental to the cause of religion; he thinks he ought not to contribute to its support, and he, therefore, refuses voluntarily to pay church-rates." Was John Thorogood the only man now opposing the laws and institutions of the country in regard to the church? What were one-half of the clergy of Scotland doing at the present time? They laughed at the authority of the court of session, and they defied the House of Lords. They claimed to act on conscientious scruples—they threw all other considerations on one side—and they were still determined to resist the intrusion of any person presented by the patrons of livings, and, therefore, as much entitled to those livings as the church were to church-rates. Why did not the noble Lord grapple with these persons? Because John Thorogood was a poor shoemaker, the noble Lord had no sympathy for him, but he did entertain sympathy for the clergy in Scotland. He would tell the House the reason why. John Thorogood was a single and simple individual, but the Scottish clergy formed a powerful party who were tearing the country up. Indeed, proceedings were going on which were disgraceful to the country. He maintained that those proceedings were doing as much hurt to the church as ever John Frost had done to the state. Their language was as violent, and their proceedings were in defiance of the law. What more had John Frost done, or any of the leaders of the Chartists? They had not done so much in openly defying the law, and exhorting thousands to defy it, as these persons had done. He repeated that the noble Lord sympathised with the Scotch clergy because they were powerful, but he did not sympathise with John Thorogood, because he was poor and humble. The noble Lord abolished church-rates in Ireland—why? Because he could not help it. It was now seventeen years since he presented a petition signed by all classes in Ireland, against church-rates. Yet the amount of those rates were not more than 76,000*l.* per annum. All the arguments used by the noble Lord when introducing the measure for releasing the Roman Catholics from the payment of church-rates, were equally applicable to the present question. Then it was necessary to allay discontent, so it was necessary to allay discontent now. Individuals were imprisoned then—they were imprisoned now. Did the noble Lord mean to say, that he would give relief to Ireland, and refuse it to England? or was it rather that he waited till a little compulsion obliged him to do justice. Relief was refused to Ireland until compulsion was resorted to, and perhaps it would be necessary to resort to compulsion now. Did he mean to oppose the question until it came to the extremity to which it had come in Ireland, or did he mean to give up the principle altogether? The noble Lord talked of being the friend of religious liberty, yet he allowed persecution to take place under his own eyes. He talked of public opinion, and yet set it at defiance, although manifested in petitions presented to this House, and at meetings all over the country. He maintained that the whole public career of the noble Lord had been marked by his advocacy of the very principles which on the present occasion he had failed to support. He was not going to refer to any particular debate in which the noble Lord had spoken against the imposition of church-rates, because he had only to refer to every debate in which the subject had arisen, and in which the noble Lord had taken part. There was not one opinion of the noble Lord that was not in favour of the motion of the hon. Gentleman. Why have recourse to such a paltry, pettifogging, half-and-half measure, while seizures of beds, chairs, tables, pots and pans, were going on every day under our eyes? He had a list of seizures which had been recently made at Birmingham for church-rates of the most trifling articles, such as blinds and old chairs and tables, all carried into the market-place and sold, in order to assist in maintaining this already rich Church. He entreated the noble Lord not to trifle any longer with this subject. He must either be acting contrary to his recorded opinions, or he must have changed them. But of this he could assure the noble Lord—whatever he might think of a Church Establishment, the course that was now being taken, of persecuting individuals for opinion's sake, would do, and was doing, more to assist the efforts of those who desired to shake the institutions of the country than he was aware of. If the noble Lord wished to make a satisfactory settlement of the matter, let him bring in a bill to settle the charge of church-rates on church property, as he promised, as it was really disgraceful that such a rich Church should impose this burden on persons who dissented from it. He would ask why the noble Lord did not bring in the bill on this subject that he promised? Was it because he had been in a majority of five when he made his proposition? If it was a good and sound measure, he might rely upon it that discussion would soon increase that majority. They had seen many other questions carried in the first instance by as small a majority as this, which were soon afterwards successful. He could only tell the noble Lord that the excuse that he had made that night would be regarded as an insult by many. He deeply regretted the course the noble Lord had thought proper to take; but he trusted that the House would interfere to see an end put to a state of things such as that under which similar persecution could take place.

Mr. *Baines* did not think that some of the observations of his noble Friend in reference to the individual referred to in this case could be justified. The noble Lord had assumed that John Thorogood had declared that he would not obey the law; whereas, in point of fact, he was made liable to the severe penalty of it. He also thought that viewing the case in another light, John Thorogood had not been very fairly dealt with; that person said that he thought it a great hardship that he should be sent to prison for non-payment of a church-rate, while persons in such places as Leeds, Manchester, Leicester, and Nottingham were allowed to escape not only without imprisonment, but with impunity, though they refused to pay these rates. Was not the noble Lord aware, that the inhabitants of Sheffield had not paid any church-rates for twenty years? In his view, if any principle of fairness was to be acted upon, the Church should have dealt with the inhabitants of Sheffield as it had dealt with John Thorogood. But no, they did not do so, and they only proceeded against the latter because they knew that he could not defend himself. At Manchester and other places, when an attempt was made to raise church-rates, the inhabitants were called together, and on the proposition being made to raise a church-rate, it was uniformly met by some person getting up and proposing that the consideration of the subject should be postponed for twelve months. This motion, was always carried, and no church-rate could be levied or enforced, and no person, therefore, could be imprisoned for the non-payment of it. This was the case in the large towns; but, because John Thorogood lived in a small place, where the ecclesiastical laws could be executed against those who dissented from the Church, he had been imprisoned. Was this equal justice? was this a state of things which they should allow to continue? John Thorogood complained of another part of the law; he said, you pass a law to exonerate the Quakers from imprisonment for the non-payment of church-rates: why then should you excuse them and punish me? [Lord *John Russell:* You can make a levy on the goods of Quakers.] But not imprison them. Why, then, have one law for the Quaker, and another for the Independent? [Lord *John Russell:* I have attempted to alter the law.] He admitted that; but could not help feeling, that it was rather hard on John Thorogood, that he should be imprisoned for thirteen months for acting upon a conscientious scruple, while others for entertaining similar conscientious objections, were altogether exonerated from such treatment. Again, in Ireland, had not the Legislature exonerated the whole country, not only from imprisonment for not paying church-rates, but from the payment at all of such imposts? The noble Lord said, if this motion was adopted, it would be putting the Church on the voluntary principle; but had they not adopted this principle in Ireland, where all classes were exempted from this payment. The noble Lord said, that the Law was uniform, but the analogy which he drew failed completely in the case of England and Ireland. What John Thorogood complained of was not that you did not send others to prison, but that he was dealt with as they did not deal with others of her Majesty's subjects. Was it not high time that the complaints produced before this House on the subject should lead to a change? The law was in such a state, that he was satisfied, that no Member in that House would conscientiously declare, that he thought that it should remain in its present position. In Nottingham, Leeds, Leicester, and other large places, the clergy allowed the law to be disregarded, but here they sent a man to gaol for contumacy, and were thus hurrying him to a premature grave. He had within the last few days received a letter from John Thorogood, a short extract from which he would read to the House, in order that the noble Lord might not labour under any misapprehension as to the circumstances under which this unfortunate man was imprisoned. He had had occasion to send him a small sum of money which had been collected for his benefit at Ackworth, in the West Riding of Yorkshire, and in acknowledging the remittance, he made these observations:—

> "He hoped that the efforts of his friends in Parliament might be successful who were exerting themselves to pass a law to relieve those who conscientiously objected to an Establishment."

He did not require that you should merely liberate him, without passing a general law, but that the recurrence of what he was suffering should be prevented. He did not complain of the ecclesiastical courts. He knew that they were bound to administer the law as it stood; but he complained of the inequality of the law, and that it should be rigorously enforced in one place while it was disregarded in others. He proceeded to say—

> "The blessings of the gospel were purchased without money or price; and he was ready to prove, that he had paid more, according to his means, towards the erection of places of public worship than any four of his persecutors."

He added—

> "Be so good as to convey my thanks to my friends, who have administered to my temporal necessities; I feel that I shall not require such aid long, as my health is giving way under my imprisonment in a damp prison."

When the rector of Chelmsford said, at least twice a-day, according to the ritual, "Forgive us our trespasses as we forgive them who trespass against us," could he ever pass the gaol in which this unfortunate man was imprisoned without his heart accusing him of his proceedings in this matter; in the case of a man who felt that he could not pay the small sum of *5s. 6d.* without violating his conscience, and who was daily sinking under his imprisonment, and would probably in a few months have an end put to his sufferings by death? This was a subject well worthy of the attention of a House of Commons. A right rev. Prelate in another place had recently dwelt much on the spread of Socialism, and had said a great deal respecting the mischief that was likely to result from it; but he was sure that the case of John Thorogood would do much more injury to the Church as an Establishment, than the doctrines of the Socialists, as the feeling was daily becoming stronger, that the treatment that he had experienced was contrary to Christian faith and practice. They had been told by the noble Lord, that if the motion of the hon. Member for Finsbury was carried, it would be holding out a premium to dissent. This was only an objection similar to those that had been urged against all measures to relieve Dissenters from their disabilities, or for the abolition of church-rates. It was, however, an objection which he trusted would not have any weight in that House, and he would remind his noble Friend, that it had been urged against the measures of Lord Spencer and the late Chancellor of the Exchequer, both of whom introduced plans for the abolition of church-rate. The plan now proposed might be liable to objection, but this objection was not applicable to the Dissenters but could only be urged against the Members of the Church. The Dissenters might conscientiously say, that they were Dissenters, and, therefore, should be exempted from the payment of these rates as the bill proposed, but a Churchman could not truly make that declaration to relieve himself from the payment of church-rates. For his own part he did not believe, that any Churchman would, for a few shillings, or for the purpose of escaping the payment of this rate, violate the obligations of his conscience. He did not believe, that for the attainment of such a miserable object any conscientious person would say that he was a Dissenter if he was a Churchman. He repeated, that he did not believe, that any Churchman would be guilty of such conduct, and he was convinced, that no Dissenter would violate his conscience to save a few shillings; he therefore did not think, that this was an objection of much weight. At the same time it was a matter that might be worth considering, and if it should be thought necessary, provision might be made to guard against such frauds in the bill of his hon. Friend. The hon. Member for the University of Oxford, in arguing on this subject on a former occasion, laid down two positions; he contended, in the first place, that church-rates were a contribution on lands and houses, and did not fall upon persons; and, in the second place, that the members of the Established Church of England were possessed of thirty-nine fortieths of all the property in this country, and that therefore under the present arrangement, the Dissenters were only called upon to pay one-fortieth part of the amount of church-rates collected. Taking this as the proportion, of 300,000*l.* a-year, the whole amount of church-rates paid by the Dissenters would only be about 7,500*l.* Now he would ask the hon. Baronet whether he thought, that the whole nation should be agitated from one end to the other that the Dissenters might be compelled against their conscience to pay 7,500*l.* a-year church-rates? If this statement was correct, which he (Mr. Baines) did not admit, was it worth while, on the part of the Church, to persist in enforcing church-rates? He would implore the House, and he did not do so in any spirit of sectarianism, but in a Christian feeling, to consider well what was likely to be the result of their proceedings; and he would ask whether it would not be beneficial to the cause of religion, independent of any sectarian opinions, to get rid of these constant contests between the different religious sects, and thus bring them to act together in such a spirit of unison as to promote the best interests of religion generally? If they could settle this question they would confer the greatest benefit on the country; and he knew no mode in which this could be done which was liable to so few objections, as that proposed by his hon. Friend, the Member for Finsbury. He thought that by some slight modification of the plan of his hon. Friend, a system might be hit upon by which the present grounds of complaint, might be got rid of and that thus the best interests of religion might be promoted. It was said of old, "See how these Christians love each other!" but now, in consequence of these contests, the enemies of religion had too much reason to say, "See how these Christians hate each other!" He was most anxious for the settlement of this question; he, therefore, trusted that the House would agree to the present proposition, which was likely to attain that object.

Sir *R. Inglis* concurred in much that had fallen from the noble Lord opposite in his argument against the motion of the hon. Member for Finsbury. He should not be doing justice to his own feelings if he did not take upon himself his share of responsibility in opposing this motion after the speech of the noble Lord. That speech was cheered by the habitual supporters of the noble Lord, but cheered in irony. He was, indeed, surprised at the observations made by the hon. Gentlemen opposite respecting the noble Lord, to whom the dissenters of England owed more than to any living man for his exertions in their behalf. Disagreeing as he had done throughout his political life with the noble Lord, he felt bound to admit, that by the dissenters, at least, the noble Lord ought to have his advice received with perfect confidence. The noble Lord said that in the case of John Thorogood he could not consent to any proposal for his liberation when his imprisonment arose from his refusal to obey the law, and when he was aware of the consequences of his proceedings. The case, however, was even stronger than the noble Lord represented it, and the House did not seem to be apprised of the circumstances under which John Thorogood appeared before the court, and was imprisoned. In the course of last autumn a letter appeared in the newspapers, which was written by this person, and was dated Chelmsford Gaol, November 23. It commenced with stating, that a memorial appeared in the papers addressed to Lord Normanby, which contained a paragraph which gave an entirely different ground for his refusal to appear to the citation issued against him from that which was the true one. The letter was addressed to the editor of the *Sun* newspaper, and the part to which he more particularly referred commenced thus:—

"The paragraph to which I refer is in the following words: 'That he did not appear to such citation because of the expenses that would attend upon such a proceeding.' Sir, it was certainly urged by the gentleman whom I saw at the *Patriot* office, the secretary of the Church rate Abolition Society, that it would be an enormous expense; but that which alone prompted me to give up my intention to appear and contest the lawfulness of the rate, was the assurance made to me that if I did not appear, more good would be effected to the cause of religious liberty, which I have at heart, than would be effected by my appearance to question the legality of the rate. In addition to this, Mr. Boykett assured me, to use his own words, that they would move heaven and earth in the cause if I should be committed. You, sir, who deserve the best thanks of the friends of religious freedom for what you have done in the cause, can tell that if it had not been for yourself alone at one time, and a small number of disinterested friends in the country, and more especially my untiring and unsolicited friend, John Childs, Esq., of Bungay, I should have been left in this place forgotten and neglected. I am thankful to every friend who has shown their concern for me; but, sir, I feel that it is the cause of God, and cannot let any erroneous impressions go forth. And I trust, through my extreme sufferings, that another blow may be given to the ecclesiastical oppression, which shall make such trials as mine unknown to succeeding generations. Sir, I forgive my persecutors, as well as those who, by giving me false counsel, have led me into greater difficulty and suffering."

It appeared, then, that John Thorogood was urged on to proceed in the way in which he did against his first intention, and that he had been made the tool of the "Grievance Gathering Society," the officers of which no doubt thought this was an admirable subject for speeches, both within the House and out of it. They accordingly involved this unhappy wight in all his difficulties, and at length got him into prison and left him there unnoticed. In point of fact, then, although this Mr. Boykett presented the memorial to Lord Normanby, it was by him that John Thorogood was involved in his present difficulties, and was sent to prison. He agreed with the noble Lord in thinking that by adopting the proposition of the hon. Member for Finsbury they would be holding out a bonus to dissent; but it was not merely on this ground that he opposed the motion. He would not enter into the question how far all property was the creature of law; but this he would say, that all property was held subject to law; subject to all such modifications and impositions as the supreme authority might from time to time direct, without any reference to the opinions of individual proprietors. On the present subject he was convinced that any measure which tended to diminish or take away any of the property of the Church, and, above all, any of this nature, would tend to destroy the nationality of the Church, and therefore lessen its influence. As long as the law said that all property should be liable to this charge, all persons should be as much compelled to pay it as any contribution which the wisdom of the Legislature might impose upon property for the purpose of the state. He was satisfied that it would not be just to allow the exception from this or any other law in the manner proposed. Holding, therefore, these opinions, he was not prepared to agree to the motion of the hon. Member for Finsbury. He would not consent to such a proposition, as it might have the effect of changing the whole tenure of property as regarded the Church. The hon. Members for Finsbury and Kilkenny talked of the scandal of Church rates, and asked whether the House was prepared to allow these constant contests to take place. In answer to this he should repeat now what he had stated several times before, namely, that there were not more than fifty out of the 13,000 parishes in England and Wales in which these contests were carried on. It was not necessary on the present occasion for him to enter further into the general question of Church rates, or whether the amount raised on the dissenters were as small as the hon. Member for Leeds allowed it to be, or whether the hon. Member for Kilkenny were correct when he said that the dissenters amounted to half the population of England, but should satisfy himself with adding, that as long as the present system of Church rates formed a part of the law, so long was every person bound to submit to it; and the adopting the proposition of the hon. Member for Finsbury would be neither more nor less than giving a systematic premium to those who felt disposed to dissent from the Church. He, therefore, should join with the noble Lord in giving his vote against this motion.

Sir *S. Lushington* said, he should take the liberty of communicating to the House some little information connected with the case of Thorogood, which, notwithstanding the petitions presented on the subject, was necessary to a proper and complete elucidation of the matter before the House. By an Act of Parliament passed some time before the proceedings in this case, the ecclesiastical courts were deprived of any jurisdiction whatever in church-rate causes where the amount was, in the first instance, under 10*l.* Those courts could take no cognizance of sums lower in amount. Now, let the House mark the consequence. If, when the church-wardens proceeded against Thorogood, he had appeared, and by appearing acknowledged the mere legality of the demand, and said he was liable, then the claim of the church-wardens would have been dismissed with costs. Hence it was clear, that Mr. Thorogood was the means of bringing himself into the ecclesiastical courts. He had been summoned before two magistrates; they might, if permitted by Mr. Thorogood to adjudicate upon the matter, have levied the amount by distress; and if the defendant then thought himself aggrieved, he might bring the matter by appeal before the quarter sessions. When the question came before the court over which he had the honour to preside, a suspicion arose in his mind, that Thorogood must have been previously brought before two magistrates; he had caused some inquiries to be made upon the subject, and he had obtained a copy of a notice served upon the magistrates of Essex by Thorogood, which, with the permission of the House, he should read:—

"To her Majesty's justices of the peace, acting in and for the county of Essex, and particularly to such as act in and for the division of Chelmsford, in the said county.—I, the undersigned John Thorogood, of Chelmsford, in the county of Essex, shoemaker, do hereby give you notice, that I dispute the validity of the last church-rate made, or alleged to be made, for the parish of Chelmsford, in this county of Essex; and I further give you notice, that my reasons for disputing the validity of the same are amongst others as follows:—1. That the rate was granted upon certain accounts for the year preceding, several items of which were illegally charged, and ought not to have been paid. 2. That the said rate was in reality granted for, and expended in, payment of money spent or contracted for by the preceding churchwardens, or otherwise for their reimbursement. 3. That no proper estimates for the prospective expenditure were produced at the vestry meeting at which the said rate was granted. 4. That the said rate was improperly and unequally assessed upon the various occupiers of property in the parish of Chelmsford. And I hereby give you notice, that it is my *bonâ fide* intention to dispute the validity of the said rate in the proper Ecclesiastical Court. And I also give you notice, in consideration of the premises, to forbear giving judgment upon the complaint against me of Thomas Moss, one of the churchwardens of Chelmsford aforesaid, to answer which I have been summoned before you.

"Dated this 9th day of November, 1838.

"JOHN THOROGOOD."

Thus the House must see, that Thorogood brought himself within the jurisdiction of the Ecclesiastical Court, and no power on earth short of his own free will could have produced that effect. He had been cited before that court, and he refused to appear; he voluntarily placed himself in contempt. In such circumstances the court must assert its own jurisdiction. The cause might have been one between husband and wife, where the validity of their marriage was the question in dispute. It might have related to a will, in which the defendant had the will in his pocket and 100,000*l.* also. How could the court, in such circumstances, avoid committing a party guilty of a contempt? They could not of their own mere motion purge the contempt: the courts were not at liberty to judge whether parties confined for contempt had at any given period endured too great or too small an amount of imprisonment, and therefore he would repeat, that the court had in a case like this nothing to do with consequences which the parties brought upon themselves voluntarily and with full knowledge. An hon. Member near him had said, that the rector of the parish could not pass the gaol in which Thorogood was confined without painfully feeling the injury which he had caused to that individual. Why, the rector had nothing to do with the matter. The rector had no power to institute or to stop proceedings, for the whole affair lay with the churchwardens. It was a mistake to suppose, that the mere circumstance of the practice in Chelmsford and in Sheffield not being the same made the law different in the one place from that which it was in the other. The expences usually defrayed by church-rates might be voluntarily provided for in any parish, but that would not alter the existing condition of the law. So much for general observations upon the question to which the case of Thorogood gave rise; but the House was also called upon to pronounce an opinion with respect to the remedy proposed upon the present occasion. He agreed with his noble Friend near him, that these rates were a source of great injury to the Church; that they occasioned much strife and animosity; and it would afford him great pleasure to see those causes of discontent removed; he should most willingly support any rational measure for redressing the grievance, but he must say, it did not appear to him, that the proposition of his hon. Friend, the Member for Finsbury, would fully accomplish that object, and it was at the same time, as he thought, open to this objection, that it would introduce a test similar to that which rendered the Corporation and Test Acts so exceptionable. They were told, that they might safely appeal to the consciences of Dissenters—that for 5*s.* 6*d.* no man would represent himself to be a Dissenter when he really was a member of the Church of England. But let the House recollect, that 5*s.* 6*d.* was not the *maximum* amount of church-rates paid by individuals. Some might pay 5*l.*—nay, some large farmers might be liable for 50*l.*, and that too at a period of distress. Would any one say, that such a temptation ought to be thrown in the way of any man? The principle was in itself absurd and iniquitous. A man might make the declaration required under the proposed bill, he might still retain his pew in the Church, he might use it and lock it, and might throw upon his neighbours the burden of paying church-rates. He had great confidence in the body of the Dissenters. He had the honour of representing a greater number of Dissenters probably, and more respectable than were contained within any constituency in the kingdom. He thought, that when his constituents fully comprehended the provisions and probable effect of the bill now sought to be introduced, it would not be acceptable to them. He felt persuaded it was one which would not receive their sanction; but even at the hazard of their displeasure he could not bring himself to consent to such a measure. He did not mean to say, that the recommendations of the Ecclesiastical Commissioners would afford a full and sufficient remedy for the grievance; it would, however, greatly tend towards its diminution; but if any really good measure were proposed which any rational Member would say deserved support, he should put in his claim to be one amongst the supporters of such a measure.

Mr. *Hawes* could not agree with his right hon. Friend in the reasons which he had given for supporting the noble Lord on the Treasury Bench. His right hon. Friend ought at least to vote for the introduction of the bill. It was alleged that such a bill would have the effect of introducing a new test, but that would not be a test of a man's belief, but his dissent from a particular system, and that, as he apprehended, made a very material difference. Whatever weight there might be in the objection of his right hon. Friend, there was nothing in it which could not be obviated in committee: for example, no one need be recognized as a Dissenter who did not produce evidence of subscribing to and attending some place of worship other than one belonging to the Established Church. He had a strong objection to the recommendation of the Commissioners, for he conceived that its effect would be altogether to change the nature of Church-rates. At present Church-rates were in some degree a voluntary contribution; their amount was decided by a majority of the parishioners assembled in vestry. Now, he conceived that every friend of religious liberty must be opposed to converting Church-rates into a statutable impost. The commissioners recommended that the Church-rates should be taken out of the poor-rates, and that the churchwardens should have the same powers and means of recovery as overseers, which would certainly amount to making it a statutable tax. As to the case of Thorogood, he did think that it had a very close bearing upon the measure before the House, and he thought that the imprisonment of that individual would do serious damage to the interests of the Church. The more sympathy existed on his behalf, the greater the injury which the Church would sustain. The recommendation was a very old one, and almost every public man who had spoken on the subject had acknowledged the absolute necessity of settling the question. Many plans had been suggested to remedy the evil; but hon. Gentlemen opposite had resisted them all, with the exception of one, and that was precisely the one which the Ecclesiastical Commissioners had recommended, and to which reference had been so frequently made during this discussion.

Mr. *Wynne Ellis* said, this was a question of the utmost importance, and could not be overrated; but he believed that the noble Lord, the Secretary for the Colonies, had not given it due consideration. Much did he regret that the noble Lord was not inclined to allow this bill to be introduced, for he thought that in a short time it would be impossible to collect the Church-rates in any large town, and the feeling against them would grow stronger every day. Let the House consider the obligations the country was under to the Dissenting body, especially in providing instruction and spiritual consolation to the lower classes. In England and Wales there were not less than 8,000 Dissenting places of worship, with congregations, consisting of, at least, 250,000 persons. It was erroneous to suppose that the Dissenters had any feeling against the Church; their objection was not to the Church, but to the payment of Church-rates, and they justly thought that some means ought to be adopted to relieve them from what they considered a most obnoxious tax.

Mr. *Mildmay* wished to make an observation in reference to what had fallen from the hon. Member for Leeds, with respect to the rector of Chelmsford. That hon. Member said, he could not conceive how the rector of Chelmsford could ever kneel down and pray to be forgiven his trespasses whilst John Thorogood remained a prisoner for not paying Church-rates. If that meant anything it meant that he could not pray to be forgiven his trespasses when he did not forgive the prisoner. The hon. Member had no right to bolster up a case by such trumpery means as that. He was inclined to suspect, when he heard language of that kind used. He did not wish to use an offensive monosyllable which it had occurred to him might apply to it. If the hon. Member meant that the rector of Chelmsford could not kneel down and ask forgiveness whilst Thorogood was in prison, it looked like a wish to produce a most unfair impression.

Mr. *Baines* explained. He did not wish to bolster up his case, nor did it require it. If he mistook, in thinking that the rector had any connection with the churchwardens in the prosecution, he had not the slighest objection to correct the impression which he had formed.

Mr. *T. Duncombe*, in reply, observed, that from the speech of the right hon. and learned Member for the Tower Hamlets, it might be imagined that John Thorogood cited John Thorogood before the Ecclesiastical Court, whereas he was cited to appear by the right hon. and learned Member himself. The hon. Member read the citation, and went on to say, that Thorogood not appearing to that citation, the punishment was inflicted by the right hon. Member himself upon Thorogood. The right hon. and learned Gentleman, the Member for the Tower Hamlets, would vote for any rational measure which should be brought in by a Member of the House. The right hon. and learned Gentleman also stated, that he did not think that this measure would meet the approbation of the leading Dissenters. Now, he had consulted some of the leading members of the Dissenting body with respect to this measure, and they all concurred in thinking that it was not only just in principle, but would be found simple and easy in operation. He was not surprised at the right hon. Member for the University of Oxford resisting this measure; but he did not think it ought to meet the opposition which had been presented to it. The House had come to a resolution, that it was desirable to prevent the recurrence of cases such as had been adverted to, and he did not see how, unless they were prepared to stultify themselves, they could refuse to permit the introduction of such a measure as this. At all events, he was satisfied that those who supported this measure would have public opinion and the opinion of the Dissenters on their side.

The House divided on the motion;—Ayes 62; Noes 117;—Majority 55.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Barnard, E. G.
Bewes, T.
Blake, W. J.
Bridgeman, H.
Brotherton, J.
Butler, hon. Colonel
Callaghan, D.
Collier, J.
Collins, W.
Dennistoun, J.
Duke, Sir J.
Ewart, W.
Gillon, W. D.
Greg, R. H.
Greig, D.
Hall, Sir B.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Horsman, E.
Hume, J.
Humphery, J.
Hutton, R.
Jervis, S.
Lushington, C.
Molesworth, Sir W.
Muskett, G. A.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Conor Don
Oswald, J.
Pattison, J.
Pechell, Captain
Pryme, G.
Roche, W.
Salwey, Colonel
Smith, B.
Somerville, Sir W. M.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain
Williams, W.
Williams, W. A.
Wood, Sir M.
Wood, B.
Yates, J. A.

TELLERS.
Duncombe, T.
Ellis, W.

List of the NOES.

Acland, T. D.
Arbuthnott, hon. H.
Baker, E.
Baring, rt. hon. F. T.
Bell, M.
Bentinck, Lord G.
Blair, J.
Blennerhassett, A.
Bolling, W.
Burdett, Sir F.
Cantilupe, Viscount
Chapman, A.
Clay, W.
Clerk, Sir G.
Clive, hon. R. H.
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Crawley, S.
Dalmeny, Lord
Darby, G.
D'Israeli, B.
Dottin, A. R.
Duncombe, hon. W.
Du Pre, G.
Egerton, W. T.
Eliot, Lord

Elliot, hon. J. E.
Ellis, J.
Follett, Sir W.
Fort, J.
Fremantle, Sir T.
French, F.
Freshfield, J. W
Glynne, Sir S. R.
Gordon, R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grattan, J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, rt. hon. Sir C.
Grimsditch, T.
Halford, H.
Harcourt, G. G.
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hinde, J. H.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Johnstone, H.
Kemble, H.
Knatchbull, right hon. Sir E.
Labouchere, rt. hon. H.
Law, hon. C. E.
Liddell, hon. H. T.
Lockhart, A. M.
Lowther, J. H.
Lushington, rt. hon. S.
Lygon, hon. General
Macaulay, rt. hon. T. B.
Mackenzie, T.
Mackenzie, W. F.
Maule, hon. F.
Mildmay, P. St. J.
Morpeth, Viscount
Nicholl, J.
Packe, C. W.
Palmer, G.
Parker, R. T.
Parnell, rt. hon. Sir H.
Peel, rt. hon. Sir R.
Perceval, Colonel
Pigot, D. R.
Pinney, W.
Polhill, F.
Pringle, A.
Protheroe, E.
Pusey, P.
Rae, rt. hon. Sir W.
Rich, H.
Richards, R.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Sheppard T.
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Stanley, E.
Staunton, Sir G. T.
Stuart, W. V.
Sugden, rt. hon. Sir E.
Surrey, Earl of
Sutton, hon. J. H. T. M.
Teignmouth, Lord
Trench, Sir F.
Troubridge, Sir E. T.
Tufnell, H.
Vere, Sir C. B
Wood, Colonel T.
Wyse, T.

TELLERS.
Parker, J.
Stanley, E. J.

SUPREME COURTS (SCOTLAND).] Mr. *Wallace* said, that it was a considerable number of years since he had first introduced to the House the subject of the motion he was about to make. During that period the business of the Supreme Courts in Scotland had very considerably decreased, and a very large increase had taken place in the salaries of the judges. At the time when the salaries were increased, he believed it had been in the contemplation of the noble Lord, the leader of the House, that the question now about to be submitted to the House should be taken into consideration—namely, whether with a large decrease in the business of the Supreme Courts the same number of judges was still required. It appeared from the returns laid before the House that five judges in the Outer House in 1831-2, had 1,956 causes before them; in 1838-9, 1,486 causes, showing a diminution of about one-fourth, or nearly 25 per cent. in the number of causes brought into court. The return for the year 1839-40 showed an increase upon the year of 72 causes, which, however, did not materially affect that calculation. With respect to the Inner House, it appeared from the returns that eight judges sitting in the two Courts of Review decided 495 causes in 1831-2, whilst in 1839-40 eight judges sitting in the same Courts of Review, decided only 288 causes, showing a reduction of more than two-fifths in their labour. The short period the judges sit in court, and the vacations extending to six months at least out of twelve, would show that one Court of Review would be quite enough for the business of the country; and that uniformity of decisions would by this means be ensured, the notorious want of which, under the present system of two Courts of Review, with co-ordinate jurisdiction, would be provided against. By the return last laid on the table, the number of causes enrolled last year, for the first time before Lord Moncrieff, (one of the oldest and most able judges of the Court of Session) was only 216; whilst the new judge, Lord Cunninghame, in the same period, had 513 causes enrolled before him, showing an increase of more than double the number by 81 causes, and showing also that one judge did not perform one-half of the duty which another judge could and did perform. With regard to the diminution of the number of judges, it would appear that some diminution might be made, from a consideration of the returns which had been just printed, showing the time during which the judges of the Court of Session sat daily. It appeared that the first division of the Inner House sat, on an average, two hours and forty-nine minutes daily; and the second division two hours and eight minutes daily; making an average for both of less than two hours and a half, or a sitting from eleven o'clock to half-past one. It appeared that the Outer Court sat from four to five hours daily, but, in fact, the average length of its sittings was less than four hours, or from nine in the morning to one o'clock. The five judges of this court who sat about four hours a day, did not go into court more than one hundred and fourteen days in the year. Their vacation was more than six months in the year, and the same might be applied to the Court of Review. It was the universal opinion of his countrymen that the periods for which these judges sat was a great deal too short, and that the length of their vacation was one great cause of the delay and expense incurred in their courts. He had mentioned last session the case of Mr. Jones, which had lasted for four years and one month, or forty-nine months, during which time the court sat only sixteen months. When the length of the vacations was considered, it was not difficult to account for the delay of Mr. Jones's cause. Two occurrences had taken place last year which showed the possibility of diminishing the number of the judges. The Lord Justice Clerk, a distinguished judge, well known and well liked, having been afflicted with a severe complaint, was obliged to abstain from the performance of his duties for an entire session. During that time there was no complaint of the business of the court being badly done, or having fallen into arrear. At the same period a very distinguished judge was also afflicted with a severe calamity, which caused him to quit the bench. During these periods, when there were only three judges on the bench, there was no complaint of inefficiency or delay in the discharge of the public business. This was a good reason why the present vacancy should not be filled until inquiry was made. He hoped the noble Lord, the Secretary for the Colonies, would not refuse his assent to the motion for a committee of inquiry. It was of great importance that the inquiry should be conducted by persons in whom the country would place confidence, and that the committee should be chosen in the most careful manner. Any proceeding of the kind emanating from the Government would be more effectual than if it came from a private individual; and therefore he would earnestly beg of the noble Lord to take the question out of his (Mr. Wallace's) hands, and to move the committee himself. The hon. Gentleman concluded by moving for a Select Committee to inquire into the administration of the law in the Supreme Court of Scotland, with a view to ascertain whether the number of the judges may not be diminished.

Mr. *Fox Maule* said it was not the intention of her Majesty's Government to oppose the motion. That House, during the course of the last session, had most generously passed a measure giving the supreme judges of Scotland an increase of salary. They were therefore bound not to withhold from the public any inquiry which might be necessary as to whether the strength of the bench in Scotland was or was not more than was necessary to carry on the business of the courts of Scotland. He (Mr. Fox Maule) would not prejudge the matter by giving an opinion, but he was quite aware that there was an opinion existing in Scotland that there were too many judges for the performance of the duties required. That being the case, it was, in his opinion, far better for the administration of justice, and it would conduce to the credit of the courts themselves, that the public should be satisfied by impartial inquiry that the strength of the bench was not more than the judicial business required. After inquiry the House would be in a position to take steps, if any appeared necessary, for accommodating the bench of Scotland to the business it has to transact. It was not only in reference to the question whether the judges had or had not sufficient business to employ them—that the committee might inquire. In saying that there were other matters for inquiry, he was borne out by very high authority at the Scotch bar. The report of the law commission in 1834, stated explicitly that there was generally increasing dissatisfaction throughout the country with the mode in which justice was administered in the Court of Session. This arose from the intention of the Legislature in the act of judicature, with regard to the mode of conducting the business of the courts, not being fully carried out. The present vacancy need not for some time be filled up, and he saw no difficulty in a committee arriving at a conclusion between that time and the 12th of May, the beginning of the summer session, which might decide the necessity of filling up the vacancy, or lead them to regulate the strength of the court on some other basis. He would not oppose the committee; but if it was agreed to by Government, it ought to be carried on by Government. Under the circumstances, he would propose that his hon. Friend, having made his motion for a committee of inquiry, should leave to the Government the selection of the names. If he did so, it should be his endeavour to select such Gentlemen from both sides of the House as would give an impartial, attentive, and careful investigation to all the circumstances that might be brought before it. The committee would be attended by a member of the Government, and he trusted its proceedings would be such as to warrant the propriety of its appointment in the minds of the judges and the people of Scotland.

Sir *George Clerk* said, it was impossible for him to give a silent vote upon this occasion. On several former occasions he had felt it his duty to vote against similar motions, but on those occasions he had not felt it necessary to trouble the House with any observations, and was satisfied to rest his case upon the arguments brought forward by the Government. The hon. Member for Greenock had brought forward a similar motion last year, and he was then opposed by the Lord Advocate and the Attorney-General, and his motion was only supported by the hon. Member for Kilkenny and by another Member. In fact, so little support had the hon. Member for Greenock on that occasion, that he had not thought it necessary to divide the House. He now again brought forward this motion with no new facts or new arguments to support him, or to induce the House to grant a committee. The only new argument was that which had been stated by the Under-Secretary of State, that because the House last year increased the salaries of the judges they should now think it necessary to inquire whether they had over-paid them, or whether their number was greater than was necessary. He thought, that the Under-Secretary of State, in using that argument, gave a triumph to those who last year opposed his bill. It was objected on that occasion by the hon. Member for Greenock, that before that bill passed some inquiry should take place, and he believed he was correct in stating, that the hon. Member for Kilkenny moved an amendment to the effect, that the number of the judges ought to be reduced. He believed, that such an inquiry as the present was unprecedented with respect to the administration of the law either in England or Scotland. The hon. Member had said, that considerable dissatisfaction prevailed in Scotland at the mode in which the business was conducted in the Courts of Session. Now, if there were dissatisfaction, it had not arisen on account of adherence to antiquated forms, but rather owing to too great a disposition to change. During the last thirty years no experiment had been allowed a fair trial before a new one supplied its place. About thirty years ago the Court of Session was divided into two separate courts instead of one, as it had been before, and that alteration was felt to be a great benefit. A few years afterwards the introduction of trial by jury in civil cases took place. There was a commission issued during the time that his hon. and learned Friend, the Member for Bute (Sir W. Rae), held the office of Lord Advocate, to inquire how the law was administered in Scotland. That commission was not confined to Scotchmen, but included some of the most eminent lawyers in this country. The present Chief Justice of the Common Pleas, and Mr. Justice Littledale, Sir W. Alexander, the Earl of Devon, and other eminent individuals were members of that commission, and they suggested many improvements with respect to the courts of Scotland. He must remind the House, that five years had not been allowed to pass in Scotland without alterations in the Courts of Justice. In 1830 a most important alteration was made, the number of judges in the Court of Session was reduced from fifteen to thirteen, and a reduction of two Barons of the Exchequer was contemplated. What were the consequences of the reductions then made? Why, that in the temporary absence of one of the judges the greatest inconvenience was felt; and in 1832 a bill was brought in by Lord Advocate Jeffrey to provide means for disposing of the vast arrears of business. A committee was then appointed on the motion of his hon. Friend, the Member for Caithness, in 1834, for the purpose of considering whether any increase should be made in the salaries of the judges, an act of justice which, in his (Sir G. Clerk's) opinion, should have occupied the House many years before, when the duties of the judges were increased by the reduction of their numbers. The hon. Member for Greenock was a member of that committee, and a great object of his in examining the witnesses was to ascertain from them whether, in their opinions, any further reduction of the number of judges could be effected. He believed, that the question was put to every witness examined, and very one stated his opinion that, while the form of procedure remained as it was, it would be impossible to effect any further reduction. Lord Jeffrey gave that opinion, as did also the Dean of Faculty and the Judge Advocate. Lord Brougham, who was also examined, gave his opinion, that the number of judges could not, with safety to the public interest, be lessened. The solitary hostile opinion was that of a young gentleman who styled himself a writer's clerk, and who acknowledged that he was not more than twenty-one years of age. Now, he would put it to the House whether, if they were to grant this committee, they would be likely to get witnesses more able to give a sound opinion than those he had just mentioned. He believed, that, if they were to examine the most eminent advocates of the Scottish bar—if they were to ask the question of the Lord Advocate, that all would agree, that no reduction of the number of judges could be effected without great injury to the efficiency of the court. The committee then asked the Lord Advocate whether the royal commission then sitting was authorised to make any inquiry as to the expediency of reducing the number of judges, and he answered, that such inquiry was not within the scope of the commission. In consequence of this, a second commission was issued in 1834, and that commission, amongst other objects of inquiry, was to ascertain the amount of judicial business in the Court of Session. So far from that commission considering, that the duty of the present judges could be performed by a smaller number, they stated in their report, that the accumulation of business was immense. He would ask, then, whether any reduction of the number of judges was possible? He would ask the House whether, if they reduced the number of judges as was proposed, the decision of the remaining judges would have proper weight with the country. He believed, that, on investigation, it would be found, that four judges wouldbe the smallest number that could constitute a Court of Review. The hon. Member for Greenock had read a statement of the number of hours which the Judges of session sat in a year. But the hon. Member should recollect that the late Lord Advocate had told the House that the number of hours spent by the Judges in court formed no criterion of the amount of their labours; that they were occupied frequently several hours at home in reading over the long written pleadings which came before them; and that frequently, in cases where the delivery of judgment occupied them but half an hour, the consideration of the case in private had occupied them several weeks. The present Lord Advocate also distinctly stated that it would be impossible to reduce the number of judges. He had heard nothing whatever from the hon. Member who brought forward the motion, or from the hon. Member who supported it on the part of the Government, to induce him to alter the opinion he had formed last year. He was very much at a loss to know what new facts had come to the knowledge of the hon. Under-Secretary, or the noble Lord opposite to alter their opinions of last year. It was then stated broadly by the hon. Member for Greenock, and the hon. Member for St. Andrew's that the great evils and inconvenience had arisen from the indisposition of two of the Judges of the Court of Session. He believed that afterwards the hon. Member for St. Andrew's stated, very much to his honour, that with regard to the state of one of these judges, he believed that he had been misinformed. They would all recollect the anxiety expressed in the House that those Judges would resign, and that the necessity for that step was urged as a strong reason for providing that a full retiring allowance should be given to them. Now, however, hon. Members thought that the business could be done by a greatly reduced number. The hon. Member for Greenock had also alluded to the small number of cases brought before Lord Moncrieff; but he should have stated at the time from what cause that arose. There was a general expectation that Lord Moncrieff would speedily be called to the inner Court, and consequently suitors did not wish to bring their cases before him. At the same time the other Judges were actually overwhelmed with business, from the number of cases brought before them. The House was aware that it was now in the power of any suitor to choose the Judge before whom to bring his plea, instead of leaving the matter, as formerly, to chance. He thought that, generally speaking, an excellent regulation, but one that in particular instances, such as that of Lord Moncrieff, might produce inconvenience. He would again ask the noble Lord opposite what was the cause of the extraordinary change which had taken place in his opinion since last year? He had observed that the hon. Member for Greenock gave notice of his motion a short time before the date of a most important motion, the object of which was to try the strength of parties. The hon. Member for Sheffield had told the noble Lord that his only chance of retaining the support of his party was to make concessions to them. The hon. Member for Sheffield had obtained the price of his support—he spoke it to his honour—in the concession of open questions. Hon. Gentlemen opposite might consider that a ridiculous reason for supporting Government, but that was the hon. Member's own affair. He should like very much to know whether the support of the hon. Member for Greenock was conditional on the present committee being granted, because if that was not the reason, he had heard nothing from the hon. Member to show why Government had come to their present resolution. If the Government were really dissatisfied with the proceedings of the Court of session—if they thought there were too many Judges, they should, on their own responsibility, bring in a bill to alter the constitution of the court. He must say, that a committee of that House was not the proper tribunal to prosecute such an enquiry. How were the witnesses to be examined? Who would the Secretary of State call? If the hon. Gentleman summoned the eminent advocates of the Scottish bar, the hon. Member for Greenock would object that they were interested witnesses. From whom, or from what description of witnesses, would they get their information? He trusted they would be something more efficient than the young gentleman of twenty-one. If further enquiry was really necessary, why should not the commission, which had not as yet made its final report, be authorised to make enquiries? He believed, however, that there was no information which this House was likely to receive which it had not already received, and for that reason he should certainly feel it his duty to oppose the motion.

Mr. *Hume* considered, that when her Majesty's Government had determined upon an increase of the salaries of the judges last session, they were now only doing their duty by making an inquiry into the complaints made by him and others. They had returns showing that the business in the Scotch courts had declined one-fourth within the last few years. Now, all that he and others wanted was inquiry. The hon. Baronet opposite had made no objection to a committee having for its object the increase of the salaries of the judges; but he now objected to a committee to inquire whether the number of hours for their sitting might not be enlarged, or the vacancies amongst them not filled up. For himself he was prepared to say that he would not make any reduction, if it were to interfere with the proper administration of justice.

Mr. *Gillon* had, he said, given his opposition to the increase of salaries last session, on the ground of the small amount of duties performed by the Scotch judges. If a comparison were made between the salaries of the Scotch and English judges, would it not be fair also to compare the amount of duties respectively performed by them. Why was the House to inquire into the means of increasing their salaries without ascertaining what were their duties? According to a calculation he had made, the first division of the Court of Session only sat thirty-four days: the second division did not sit more than twenty-six days, and the Lords Ordinary did not sit more than forty-seven days eight hours, each, in the whole year. The support of the present motion was the only redeeming apology for their passing the Bill of last session.

Mr. *Pringle*, in opposing the motion, observed that the hon. Member for Falkirk had omitted in his estimate of the sittings of the court the taking into calculation the time devoted by the judges to criminal business, as also to jury trials.

Mr. *R. Steuart* said, that the inquiry sought for by the hon. Member for Greenock was one which that House might well and properly entertain. He did not vote for inquiry, because he agreed with the hon. Member for Kilkenny and the hon. Member for Greenock that the result would be to prove that the number of the judges was too great. On the contrary, he had last year voted for giving an increased salary to the judges, because he considered that they were insufficiently paid, and he would now vote for the proposed inquiry, because he was sure that not only were not the judges overpaid, but also that the number was by no means too great. With a fair committee, presided over of Member a by the Government, and uninfluenced by party spirit, he was satisfied that the truth would be elicited, and it would be generally acknowledged that the constitution of the courts of Scotland was of the description and character required, and that the number of judges was not greater than was required for the due performance of the functions imposed upon them.

Mr. *Hope* said, that he was certainly surprised at the grounds upon which this inquiry was granted by the Government, namely, that the result would be to prove that inquiry was wholly unnecessary. He should object to such inquiry, as he considered it no other than putting the judges of the Supreme Courts upon their trial.

The *Lord Advocate* said that certainly, while he should vote inquiry, he was of opinion that the result of that inquiry would be to show that the Court of Session had not too many judges properly to discharge the duties that were imposed upon them. His opinion in 1834 was that the judges could not safely be reduced below the number of thirteen, and also his opinion was, that the court was well constituted, and to those opinions he still adhered. The circumstance of the judges of the Supreme Court performing a very large and a very important part of their duties in their chambers, instead of performing them in open court, had led to an opinion among persons out of the profession, that the judges were too numerous; and he thought that the best way to disabuse the minds of the people of such wrong impressions was to have a deliberate and impartial inquiry before a committee of the House.

Sir *R. Peel:* I do not know who the Gentlemen are that the Lord Advocate has referred to, who ground their support of the increased salary of the Scotch Judges on the increase of business in their Courts. This not the argument I use, for I think it is a most dangerous one. When you place persons in any public situation, judicial or otherwise, you have a demand on all of their time. If not, where would increase of salaries stop? Why, there is not a Bill that passes this House but imposes some additional duties on the Secretaries of State; and yet, how would the House look if they were to come down on each of these occasions to ask for an increase of their salary? The ground I went on was that the salaries of the Scotch Judges were not sufficient to mark the distinction between the bench and the bar, or to secure the services of the best talents at the latter for seats on the former. I thought that the relation of the Judges to the advocates should be such as to secure a due superiority to the former, otherwise they would not meet with the respect to which the bench was entitled; and I thought it due to the country to purchase the highest talent at the bar to place it on the benches, when vacancies occurred. I do not mean to say that the income of the Judges from their office is such as to tempt the two or three of the most eminent men at the Scottish Bar to relinquish their practice, which must be more than the amount of a Judge's salary—I do not say that these gentlemen would be won by this. I speak alone of the average profits of the bar in Scotland, and on that ground I supported the increase of the judicial salary. What surprises me most, however, in this matter is, that the hon. Member for Greenock should think it worth while to bring forward the motion, now that the Government by acquiescing in it will take the nomination of the committee altogether out of his hands. This committee, if I understand right, is to be presided over and composed of men whose minds are already made up on the subject. The hon. Member himself has made up his mind—the Government have made up their minds—he thinks that a reduction in the number of Judges is necessary, they think that it is not necessary. What is to accrue from this contrariety? If the Government have made up their minds, why go into an inquiry? Why not oppose the motion at the outset? Do they see the results to which this course of conduct will lead? The same inquiry may be instituted by any hon. Member similarly disposed as the hon. Member for Greenock, on the self-same grounds, into the judicial bench of England, and thus the greatest injury might be inflicted on the country by unsettling public opinion as to the bench. The hon. Gentlemen opposite said that this inquiry is granted by the Government to satisfy public opinion. Let us see what are the grounds of this acquiescence on their part. "The public," says the learned Lord, "are in error on two points in regard to this subject: first, in the matter of a reduction in the number of the judges; secondly, in the matter of the amount of business transacted before these functionaries." With respect to the number of Judges, he says that there is not a single person in the country who knows anything about the subject who thinks the present number is too great. All the profession whose opinions are worth anything, he says, are of the same view in the matter. The Government, likewise, come to the same conclusion. Is it decent, then, for them to enter into any inquiry on this subject, simply for the purpose of satisfying those who, according to the testimony of the hon. Member, are incompetent to form an opinion on it? Is it just, I ask, or seemly, to give way to the clamour of a set of persons who, on the Lord Advocate's own showing, know nothing of the subject in question? I cannot conceive, if the mind of the Government is made up on the question, on what grounds they can enter on this inquiry. The hon. Under Secretary (Mr. F. Maule) says he thinks that, as regards the constitution of the Court, the number of four Judges is preferable to three; and the hon. Member who sits beside him says the same; yet they profess their willingness to enter on an inquiry into a subject on which they have expressed so decided an opinion. I repeat, then, that I look upon it as strange and unnecessary on the part of the hon. Member for Greenock to proceed with the motion, when by their conduct the Government, after expressing such sentiments, have taken it out of his hands. But there is another point that I gather from the hon. Member's speech, which is, that some people, according to his statement, think that the Judges of the Court are not sufficiently patient with counsel; that they are rather restive in hearing long law arguments from the bar; and that the written pleadings are not sufficiently attended to satisfy the advocates. Now suppose that charge made in a tangible form, how will you entertain it? How can you ascertain the fact, except by individual examination of the Judges themselves, as well as of the complaining counsel? And would that, I ask you, be decent? Would it be just? The Judges, however, may deny the general allegation; what then? How will you be able to come to a conclusion? But you call the Judge before you—setting decency at defiance—and you press the charge and press him for his answer. If you do, what will assuredly take place? Why, this. He will tell you that the counsel are so tedious and so verbose that he feels it a duty to the country and the suitors in his Court to cut them short, and so save the public time and public patience. I must say, were I on the committee, that my leaning would be to the Judge in this respect—and I would state that, in my opinion, the Judge in no case discharged his duty better, or more satisfactorily, than when he silenced irrelevant argument, and shut out frivolous speeches, having no bearing on the case before him. I, who recollect a speech of eleven hours in length, delivered during two days at the bar of the House of Lords by a Scotch counsel—[The *Lord Advocate*—sixteen hours.] The question is, whether the Judges are sufficiently patient in hearing the speeches of counsel; and yet here is the hon. Gentleman correcting my unintentional error in his zeal for the honour of the Scottish bar, by informing us, that the eleven hours which I stated as the length of a speech were in reality sixteen. That I suppose he means to be understood as the ordinary time. Can there be anything imagined more ridiculous than to call on the learned judges, who perhaps have made up their minds about the eighth or ninth, or at most the eleventh hour—to hear the advocate for the remaining portion of the usual time, when it may be that he has only got to the eighteenth head of his subject. Can any one blame him for cutting short this interminable discourse, and thus saving the public time, as well as the pockets of the other suitors in the court? But, after all, what a degrading inquiry it must come to. What is it you propose to do? To drag before a committee of unprofessional people, a judge who wishes to despatch the business of the court, that he may answer why he was so brief with this advocate, or so curt with that other. I am surprised, as I said, that the hon. Member should bring forward this motion under the peculiar circumstances that I have pointed out; and I am the more surprised that the learned Lord, and the Government, should agree to it, after the decided expression of adverse opinion to which they gave utterance ast Session. But I think the House will best consult its own honour, the interests of the public, and the dignity and usefulness of the judicial bench of Scotland, by refusing to accede to it.

Mr. *Wallace*, in reply, said, he was anxious to have this inquiry, as having respect to the court and to the judges, and as one which would be acceptable. An hon. Member had taunted him with saying that every Scotch Member had his price. He begged to say, that there had been three Parliaments which had seen a Scotchman without a price. Did any hon. Member contradict that. He had been daily in the habit of voting in the teeth of Government, as well as with it, and he would tell the House, that at any rate he was not to be caught with chaff. Which of the two things would hon. Members give him—half the judges' salaries or their full time? He contended that the public ought to have the judges' full time. He begged to say, that all the judges of the Court of Session were very good and upright men, and all of them very learned in the law, but for want of that practice which the English and Irish judges had, they disliked their duties exceedingly. With regard to the constitution of the Committee, he should be perfectly content if its appointments were in the hands of the noble leader of that House; and if the noble Lord believed that he ought to exclude him (Mr. Wallace) he would willingly be left out of it, as his sole desire was for the public good.

The House divided; Ayes 128; Noes 111: Majority 17.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Baines, E.
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Byng, G.
Clay, W.
Collier, J.
Craig, W. G.
Crawley, S.
Curry, Serjeant
Dalmeny, Lord
Dennistoun, J.
Divett, E.
Duke, Sir J.
Dundas, F.
Dundas, Sir R.
Elliot, hn. J. E.
Ellice, rt. hn. E.
Ellis, W.
Evans, G.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fitzalan, Lord
Gillon, W. D.
Gordon, R.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Grote, G.
Guest, Sir J.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, F. J.
Howard, P. H.
Hume, J.
Hutton, R.
James, W.
Jervis, S.
Labouchere, rt. hn. H.
Langdale, hn. C.
Lushington, C.
Macaulay, right hon. T. B.
Macleod, R.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
O'Connell, D.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Oswald, J.
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Ponsonby, hon. J.
Pryme, G.
Redington, T. N.
Rich, H.
Roche, W.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, B.
Smith, R. V.
Stansfield, W. R. C.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talfourd, Serjeant
Tancred, H. W.
Thornely, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Vivian, J. H.
Wakley, T.
Walker, R.
Warburton, H.
Wemyss, Captain
White, A.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Wood, Sir M.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.
Wallace, R.
Steuart, R.

List of the NOES.

Acland, T. D.
Arbuthnot, hon. H.
Ashley, Lord
Bagge, W.
Baillie, Colonel
Baker, E.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Cantalupe, Viscount
Clive, hon. R. H.
Cochrane, Sir T. J.
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Darby, G.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Dowdeswell, W.
Dunbar, G.
Duncombe, hn. W.
Du Pre, G.
Eaton, R. J.
Egerton, W. T.
Ellis, J.
Fox, S. L.
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, hn. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Heneage, G. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, hn. C.
Hope, G. W.
Hotham, Lord
Ingestrie, Visct.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Serjeant
Johnstone, H.
Jones, Capt.
Kemble, H.
Kirk, P.
Knatchbull, right hon. Sir E.
Knight, H. G.
Law, hn. C. E.
Liddell, hn. H. T.
Lincoln, Earl of
Lockhart, A. M.
Lowther, J. H.
Lygon, hn. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mahon, Viscount
Mathew, G. B.
Miles, W.
Milnes, R. M.
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Pakington, J. S.
Palmer, R.
Peel, rt. hn. Sir R.
Pigot, R.

Polhill, F.
Powell, Colonel
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt. hn. Sir W.
Reid, Sir J. R.
Rushbrooke, Col.
Sandon, Viscount
Shaw, rt. hn. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Sotheron, T. E.
Sutton, hon. J. H. T. M.
Teignmouth, Lord
Thompson, Alderman
Trench, Sir F.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Whitmore, T. C.
Wood, Colonel T.
Young, Sir W.

TELLERS.

Clerk, Sir G.
Fremantle, Sir T.

British Settlers in India.—Mr. *Ewart* moved for "returns showing the extent of the settlement of British subjects in India since the last renewal of the East India Company's Charter." A great number of persons, both English and Europeans, had been induced to settle in India, and to purchase lands since the renewing of the Company's charter, and he thought it important to call for those returns, with a view of encouraging the settlement of British subjects in India, and also with the view of introducing the English language and the English laws and customs into that country. It was the duty of the Government to call upon the East India Company to supply them with such returns as those he called for, as a means by which the Government and the House would be enabled to know how far British capital and population was extending in India, so that Parliament might meet the changes which already had occurred, and were still taking place. He was not aware whether or not the right hon. Baronet, the President of the Board of Control had the power to supply these returns; it, however, was his duty to see that they were annually obtained from the East India Company. The returns were also further important, as they would show upon what terms British settlers were permitted to hold property, in order that Parliament might know on what grounds encouragement was given to British subjects to transplant their capital to the control of the Indian Government. The hon. Member concluded by moving in the terms already stated.

Sir *J. Hobhouse* should most willingly concede to the proposition of the hon. Member for Wigan, so far as the returns which would show what quantity of land had been granted to English settlers since the passing of the East India Charter Act in 1832. But the hon. Member must excuse him from venturing upon the other topics urged in the course of the hon. Member's speech. He agreed in the opinion that the returns desired, would show that since 1832, every encouragement had been given to the settlement in India, not only of British subjects, but other Europeans, and he did not doubt that when the hon. Member saw them he would be perfectly satisfied. The hon. Member ought to be aware that the terms of the charter did not compel the East India Company to give encouragement to settlers—all that it required of them, was, to allow settlers to take land in the Indian Peninsula. If, however, the returns were not satisfactory to the hon. Member, he (Sir J. Hobhouse) would be ready to afford him every additional information in his power.

Motion agreed to.

Comptrollership of the Exchequer—Sir John Newport.]—Mr. *Liddell* said, that on rising to bring forward the motion of which he had given notice, he trusted it was unnecessary for him to disclaim, at starting, being actuated by any feeling at all adverse to the parties involved in the transaction to which that motion had reference. He had long had the pleasure of a friendly acquaintance with the noble Lord, whose name appeared on the face of the notice, and for that noble Lord he entertained feelings of friendly regard — feelings which he believed pervaded Members sitting on both sides of the House. Nothing but a sense of public duty induced him to bring the matter under the consideration of the House, and if in the course of the discussion, any observation should be made calculated to wound the feelings of that noble Lord, he could only say, he should feel deep regret. He was aware, that according to law, if he had waited until a later period of the Session, some of the papers, for which he meant to move, must be laid upon the Table of the House; but the reason why he forestalled the time prescribed by the Act of Parliament, was, that he considered there were matters in question, which warranted him in entertaining suspicions as to the circumstances of the transaction. Those circumstances it would be his duty to detail to the House in the clearest, and at the same time the shortest manner possible. In doing so, he should best discharge his duty, and meet the convenience of the House, by first stating the simple facts connected with these appointments. In 1834, shortly after the death of Lord Grenville (the last auditor of the Exchequer), a bill was brought in by the right hon. Baronet the Member for Pembroke (Sir J. Graham), founded upon the report of the commissioners on public accounts for remodelling the office of the Exchequer, which Bill ultimately passed into a law. Antecedently to this period, Mr. Henry Ellis, a gentleman admitted to be an active and able officer, held the office of clerk of the pells, and did the whole duty of the office at a salary of 1,400*l.* The office of Comptroller of the Exchequer, had been created by the Act 4 William 4th, chapter 15, entitled "An Act to Regulate the Office of the Receipt of his Majesty's Exchequer." The preamble of that Act stated, "that a more economical execution of the duties thereof should be adopted." The offices of auditor, tellers, clerk of the pells, and other subordinate offices, were abolished, and a great saving had accrued to the public expenditure by the adoption of that Act. The second clause provided for the appointment of Comptroller and assistant-Comptroller, and the Act came into operation in the month of October, 1834. Immediately after this, Sir John Newport, then at a very advanced period of his life, being upwards of seventy-eight years of age, received the appointment of Comptroller of the Exchequer at a salary of 2,000*l.*, with an assistant Comptroller under him at a salary of 1,000*l.*, and Mr. Ellis was permitted to retire upon a pension to the full amount of his former salary, viz. 1,400*l.* per annum. Now, if he (Mr. Liddell) was desirous to make any accusation against Sir John Newport in accepting this appointment, he might allude to the part taken by that right hon. Baronet in the debates which took place in the year 1810, on the question of the superannuation allowance to the treasurer of the Post-office in Dublin; but it formed no part of his duty to make any accusation against the right hon. Baronet, whose advanced period of life entitled him to respect, and that respect he should receive from him. But, however, the right hon. Baronet at that advanced period of life which he (Mr. Liddell) had stated, received the appointment in question and retained it five years, namely, until the month of September, 1839, when, by some arrangement, very convenient no doubt to all parties concerned, he retired, and was succeeded by the late Chancellor of the Exchequer, now raised to the peerage by the title of Lord Monteagle. Sir John Newport naturally declined to give up a good place for nothing, but being specially exempted from a retiring pension by a clause in an act passed after the date of the act he had already mentioned, entitled "An Act to amend the laws regulating pensions for civil officers," he was recommended by her Majesty's Government to the notice of the Crown, and a pension of 1,000*l.* per annum was given him out of the Civil List—a pension which was no less in amount than five-sixths of the whole sum placed at the disposal of the Crown for the satisfying of all claims of every description which might be preferred in the course of the current year. This one grant, therefore, left only 200*l.* for the Crown otherwise to bestow in that year. It appeared that at the present moment there were no less than four persons in receipt of the public money, and that this arose from the changes in an office, the duties of which were, previous to 1834, performed by an individual still in the prime of life, at a salary of 1,400*l.* The first of these persons was Mr. Ellis, who had a retiring pension of 1,400*l.*; secondly, there was Sir John Newport, with a retiring pension of 1,000*l.*; thirdly, there was Lord Monteagle appointed to the office of Comptroller of the Exchequer, at a salary of 2,000*l*, and lastly, there was the Assistant-Comptroller, with a salary of 1,000*l.* Such he believed to be the simple facts of the case, which he had stated without comment, for upon those facts he was ready to call upon the House to accede to his motion. But he must now claim the attention of the House to the provisions of certain acts of Parliament which had reference to, or were connected with, these transactions. He need do no more than mention the statute 4 Will. IV., chap. 15, to which he had already alluded, to account for the mode in which these changes had taken place. But in the year 1834 another act was passed for the regulation of pensions, compositions, and allowances which required the attention of the House in one or two respects. That act conferred on the First Lord of the Treasury, the Secretaries of State, the Chancellor of the Exchequer, the First Lord of the Admiralty, the President of the India Board, and the President of the Board of Trade retiring pensions not exceeding the sum of 2,000*l.* each, but the act contained a proviso that no such pensions should be granted unless the party should have held one or more of the said offices for a period of not less than two years in the whole, either uninterruptedly or at different times; nor should any greater number than four such pensions hereafter to be granted be in force at the same time. It appeared that Lord Monteagle would have been entitled to receive a pension of 2,000*l.* under this statute, but he believed that at the time of these arrangements not one of them was vacant, and therefore the noble Lord had felt it more convenient to step into the situation of Comptroller of the Exchequer at once. The 15th clause of that act provided

> "That nothing in this act contained shall extend or be construed to extend to, or authorize the adding to such list any offices held under military and naval commissions, entitling the holders of the same to half-pay, or any military or naval allowance in lieu of, or in addition to half-pay, &c., or the Comptroller of His Majesty's Exchequer, or any offices in relation to which the granting of any allowances for past services has been specially regulated by any act," &c.

Therefore, the late Comptroller of the Exchequer, on his retirement, was particularly exempted by this act from his receiving any retiring allowance, and hence it was, that the Government had thought fit to pension him out of the Civil List With what propriety they did so, having in view the spirit of that act, he left the House to determine, after hearing the terms of that particular clause. He repeated again that, under the provisions of the 5th and 6th clauses of Act 1 Victoria, chap. 2, 1,200*l.* per annum was all that was permitted to the Crown to defray the charge of pensions to any claimant of this class, and he must, therefore, say, it was a strong case that, out of that sum, 1,000*l.* should be granted to an elderly gentleman who had not performed any great public duties. [*Cheers.*] From that cheer he inferred that it was intended to make out the claim to the satisfaction of the House; but whether it was satisfactory either to some hon. Members who sat behind the Treasury bench, or to hon. Members on his side of the House, would depend upon the explanation he supposed was intended to be given. Having now brought the facts of the case before the House, he would take the liberty of referring to the feelings expressed in the House on the debate which took place, when the right hon. Baronet, the Member for Pembroke, introduced his Bill for re-modelling the office of the Exchequer. Giving that right hon. Baronet and the Government of that day full credit for the saving they proposed to effect—giving the present Government the credit or the discredit of the appointments which had since been made, he must read to the House some of the expressions made use of on that occasion by hon. Members who consistently advocated economy on that and all other occasions. It was then strongly urged on both sides of the House that Mr. Henry Ellis was still competent to perform the duties, and that if he was appointed to the office a saving would be effected of the 1,400*l* per annum, upon which he had now retired. Indeed he (Mr. Liddell) had never heard any valid reason assigned why that Gentleman had not been appointed; but in the course of the debate to which he alluded, the hon Member for Kilkenny (Mr. Hume) said,

> "I must confess I see no reason why the Clerk of the Pells should not perform the duties of the Comptroller, by which means an additional saving of about 2,000*l.* a-year would be effected. He has had considerable experience, and undoubtedly it is necessary that the individual appointed to this office should be thoroughly acquainted with the business."

Lord Auckland had then been named as the future Comptroller of the Exchequer. On the same occasion Mr. Attwood proposed that Mr. Ellis be called upon to fill the office of Comptroller General. Mr. Goulburn said he did not object to the retiring pension, but he thought the justice due to Mr. Ellis would be equally satisfied by making him Comptroller, which at the same time would enable the House to relieve the public from a charge of 1,400*l.* a year. Colonel Evans said, "If any hon. Member will bring forward the proposition as a substantive motion, it should have his support." In short, a great deal was said about the propriety of appointing Mr. Ellis to the office, and of saving this retired allowance to the public. This view was not followed up, and an appointment was made to which he had already called the attention of the House. Having stated the facts as they occurred; having referred to the Acts of Parliament bearing upon the subject, he must be permitted to draw his own inferences, and these inferences were that the whole transaction partook greatly of the nature of a Ministerial job. Such was the impression which the facts conveyed to his mind, and he thought the circumstances he had stated justified him in asking for the papers for which he intended to move, before the time appointed by the Act of Parliament for their production, and in demanding from those hon. Members who so loudly recommended economy and retrenchment, their support on this occasion. He had implied a censure on the Government by asking for those papers, and it remained now for the Government either to refuse or grant them—in either case, however, the public would draw their own inferences as he had done. The Government had, however, now heard the indictment against them, and he would only add "God send them a good deliverance." The hon. Member concluded by moving "that there be laid before the House a copy of the warrant, granting a pension to the right hon. Sir John Newport. Also a copy of the warrant granting the office of Comptroller of the Exchequer to Lord Monteagle."

The *Chancellor of the Exchequer* assured the hon. Gentleman, that he should certainly hear no complaints from him, that he had brought this question before the House previously to the production of the papers, one of which, at least, he was bound to lay on the table of the House, by act of Parliament, within a short time; so far from offering any complaint, he was most happy that an opportunity had been afforded to him of meeting those insinuations and those accusations which he confessed he had never expected to hear in that House, but which had been faithfully put forward by the hon. Gentleman. And, first, he would allude to the most novel and most extraordinary doctrine propounded, in the latter part of the hon. Gentleman's speech. He said,

> "I will move for papers; if you refuse them I will call upon those Gentlemen who are in the habit of carrying on economical investigations, to join with me for the purpose of compelling their production; but if you, the Government, consent to give, not only the papers but any other information you may happen to possess, for the purpose of elucidation, then we will draw our own deductions; we will take it for granted, because you do not refuse the papers on which may be founded some subsequent motion, that your conduct is the conduct of persons who are guilty of the charges brought against them."

To that doctrine he could not subscribe. There appeared to be three points in the hon. Gentleman's accusation. The first referred to the pension granted to Sir John Newport; and in the course of the hon. Gentleman's speech, he did, in spite of his promise, let slip some words which were calculated to question the services and the general conduct of Sir John Newport. The next objection of the hon. Gentleman, was to the appointment of his noble Friend Lord Monteagle, and the last and most important accusation was the connection which, as the hon. Gentleman argued, subsisted between the appointment of Lord Monteagle and the pension to Sir John Newport; and he, without referring to any precedents to justify such an arrangement, would admit at once, that if this last imputation were correct, the hon. Gentleman had good reason for his accusation. He understood the hon. Gentleman, that he had a grave suspicion that this was a ministerial job; that, in fact, Sir John Newport was bought out of his place by a pension, for the purpose of putting into that same place his noble Friend. To that accusation he gave, as well on the part of the Government as of all the parties concerned, the most distinct and the most explicit denial. Whatever were the claims of Sir John Newport to the gratitude of his country, those who knew him better than the hon. Gentleman opposite, would feel that his word was to be fully trusted. Sir John Newport thus wrote with respect to his part of the transaction:—

> "That my intended resignation was entirely unconnected with your appointment, and adopted, on my part, without concert with you or any other person is most certain, and that it arose wholly from those increased infirmities of age which rendered retirement to my native home most desirable, even if I had been obliged to relinquish all claim to the pension which I enjoy, and which the pecuniary embarrassments that have, by parliamentary pursuits, involved heavily a very moderate, and, I might say, a very small private fortune, compelled me to look for very reluctantly."

Thus, three things were fully proved in this letter—first, that Sir John's retirement was unconnected with his noble Friend's appointment; next, that the pension was granted on Sir John Newport's own solicitation, and that it was not offered on the part of the Government, but on Sir John's application in consequence of the state of his health, and of his pecuniary circumstances. He had received from his noble Friend, Lord Monteagle, a complete denial in the same terms. On the part of Lord Duncannon, to whom the application was made, he had the same statement to give; Lord Melbourne had that morning authorised him to confirm this statement. And he himself happened to know, although he had not at that time the honour of a seat in her Majesty's councils, that the retirement of the one officer, and the appointment of the other, were entirely unconnected. He knew not what the hon. Gentleman would require more by way of contradiction or explanation, but if he did, there was in addition the testimony of his noble Friend, the Member for Northumberland (Viscount Howick), who was now unconnected with the Government, and who could confirm what he had said. He did not think that anything further could be stated; but if he could give any further answer, or if any further information were required, he would be most happy to give it. He knew not how he could do more than he had done. He could only meet such an insinuation by the distinct and positive denial of all the parties concerned. He now came to the other points—the grant of the pension to Sir John Newport and the appointment of Lord Monteagle. The hon. Gentleman had argued as if the pension had been given to Sir John Newport for services in the Exchequer; he looked to certain acts of Parliament which deprived the party acting as Comptroller of the Exchequer of any right to one class of retired allowances, and he said that what had been done, had been done in breach of an act of Parliament. He was prepared, however, to contend that the pension granted to Sir John Newport was equally justifiable and proper, if granted after he had been Comptroller of the Exchequer, as if he had not held that office. It was not, however, for his services as Comptroller of the Exchequer, that the pension was granted. The hon. Gentleman said, that he was unaware of Sir John Newport's services; and it might be so, for Sir John Newport lived in an age which was now historical, and if the hon. Gentleman would refer to the page of history, he would find that Sir John Newport was the intimate friend of Wellesley, of Grenville, and of the other great men who were active Members before the hon. Gentleman entered that House. Hon. Members were apt to forget, that there had lived before them Members as zealous, as industrious, and as active in bringing forward good motions, as the hon. Gentleman opposite himself. Perhaps, therefore, the hon. Gentleman would allow him to refer to some of those services, which, as he thought, justified the grant of the pension. And, first, he must say that he did not understand that it was contended that pensions were not to be granted to persons engaged in the civil service; but if it had been so intended, he would mention several cases in which pensions had been most honourably conferred on persons in the civil service—among them he could refer to the name of Burke, and to the family of Tierney. Sir John Newport had been for thirty years in Parliament, and there had scarcely been an important question agitated in that House in which Sir John did not take a considerable share. On questions relating to Ireland in particular, he took a leading and active part; and he was the most useful in the situation which he held. When he filled the office of Chancellor of the Exchequer for Ireland, he introduced that great alteration which made the corn trade between England and Ireland a free trade. It had been the fashion to treat Ireland as if she were placed on the same footing as a foreign country, but from that time Ireland was treated as a portion of England, and it had become the granary of this country, receiving back a large portion of our manufactures. Again, Sir John Newport was the first to recommend to the Crown the issuing of a commission of inquiry into the state of education in Ireland, and all the great measures for Irish education had been principally framed on the recommendations of that commission, which Sir John Newport was the first to suggest. His tenure of office was indeed short, but his after life had not been useless. There was scarcely a year in our parliamentary history, in which his name was not to be found introducing measures of utility to both countries. It would be sufficient now to mention one: he introduced a resolution, which he carried against the minister of the day by a majority of one, for the appointment of a commission of inquiry into the fees and salaries received in courts of justice. The labours of that commission had been followed by great improvements in the Irish courts of judicature, and valuable amendments in the English courts of justice. He had a calculation in his hand, a return which showed that the saving thereby effected for the public had been very considerable; he was told that it amounted to 75,000*l.* As an Irish member, too, Sir John Newport's course was characterised by great attention to even smaller measures of practical benefit. To him was to be ascribed the introduction of lunatic asylums and the fever hospitals; and, with regard to the tithe question, the recommendations which he had urged upon the then Government, had been carried into effect either by the Government of that day, or by subsequent administrations. Now he must say, that to his mind, services of this kind, extending through a career of thirty years, and which had injured Sir John's private fortune, rendered him a proper object for the royal consideration; and he thought that if, on the termination of his long and active life, having filled the office of Chancellor of the Exchequer in Ireland, although he had been subsequently appointed Comptroller of the Exchequer, a pension were granted, it was not ill-deserved; and that it was not a transaction to be charged against the Government in the terms employed by the hon. Gentleman, if the Crown did grant a sum to Sir John Newport when he had arrived at the age of eighty-four years, which should secure for the remaining days of his life at least a competency, if not a comfortable provision. The hon. Gentleman had alluded to the amount, and he admitted that it was difficult to say what particular sum was exactly fit in such cases, but he thought he could show that sums much of the same character had been granted as pensions in cases somewhat analogous. He held in his hand a return of pensions granted as pensions for civil services, and he found, among the names of many noblemen or gentlemen, with equal, if not larger amounts annually given, Lord Bexley, 3,000*l.*; Lord Auckland (although it was not now received), 2,000*l.*; the right hon. Gentleman opposite (Mr. Goulburn), 1,500*l.*; the right hon. Stephen Lushington, 1,500*l.*; the right hon. John Wilson Croker, 1,500*l.*; the right hon. Joseph Planta, 1,500*l.*; Mr. Hamilton, 1,000*l.*; Mr. Hobhouse, 1,000*l.*; Sir John Barrow, 1,000*l.*; Mr. Hay, 1,000*l.*, and so on. He did not mention these names invidiously. He was very far from saying that these pensions had been in any case improperly granted; and he had next to say, that if he had entertained any suspicion with regard to the services of these individuals, he would have felt it his duty to consider that the services they had rendered, had been rendered under another Government—under persons to whom he had been opposed in politics all his life, and that it would be scarcely fair in him to judge of the value of such services. If the Government in whose views they agreed, and under whom they had acted, considered that they had fair claims to their pensions, it was not for those who had been constantly opposed to them, to come lightly to a different conclusion. Last of all, he would notice the appointment of Lord Monteagle. He hardly knew what was the objection which was taken to that appointment; the only one that he could discover was, that Lord Monteagle had stepped into the place without waiting for a political pension. He had only to say, that his noble Friend had never applied for one of those pensions. With regard to the appointment itself, he should be perfectly surprised if any hon. Gentleman should get up in his place, and should venture to tell him that his noble Friend, if not the very best man, was not one of the best men who could have been chosen. His long connection with the finances of the country *(Cheers.)* —that cheer showed the utter ignorance of the Gentlemen who cheered of the nature of the functions to be discharged. He ventured to say that no man could fulfil the duties of the office properly without a previous knowledge of financial transactions. His noble Friend was as well acquainted with the nature of the business, as any man alive; and he confessed that it appeared to him that the appointment was one of the best that could have been made. But then he was told that Mr. Ellis ought to have been appointed. The same charge of the rejection of Mr. Ellis existed, and indeed it was to be enforced more strongly when that change in the management of the Exchequer took place, by which 31,000*l.* a-year was saved to the country. If Mr. Ellis had any claims to the office, they were more powerful at that time than they are now. And yet what had been done by the Government of that day? Lord Auckland was appointed. His appointment was discussed in that House; those right hon. Gentlemen who were now cordially sitting side by side took part in it; his right hon. Friend on the left (Sir James

Graham), answered the right hon. Gentleman now sitting beside his right hon. Friend (Mr. Goulburn); the one said that Mr. Ellis ought to be appointed, and the other justified the nomination of Lord Auckland. At any rate there was no secresy about Mr. Ellis's rejection. He was aware that his right hon. Friend would say that they did not at that time discuss the question of Mr. Ellis's appointment as comptroller, but as assistant-comptroller. But when he did so, he was immediately told by his right hon. neighbour (Mr. Goulburn), that Mr. Ellis ought to have been appointed comptroller. It made, however, no difference in principle. His noble Friend, Lord Spencer, who was not in the habit of letting his opinions be hidden, said upon that occasion,—

> " With regard to the propriety of the Government appointing Mr. Ellis as comptroller, instead of appointing another individual, I will simply state the grounds on which I think the House ought to leave this matter to the Government. Every man must agree, that the appointment to the office of Comptroller of the Exchequer is an appointment of the greatest importance; and as his Majesty's Government are responsible for the appointments they make, they will naturally nominate persons such as they may think fit for the duties assigned to them. I am most happy to hear from every hon. Member who has spoken (and which meets with my most entire concurrence), that Mr. Ellis is a gentleman deserving of the compensation assigned to him. The question, however, is whether the Government ought to have appointed that Gentleman as comptroller-general or assistant-comptroller. That is a question which it is scarcely possible to argue in this House, it being one which Government have always had intrusted to them to be disposed of on their own discretion and responsibility. Government have a right to make the choice of their own officer free and unencumbered, and I certainly shall decline entering further into this question, upon the principle that it is for the Government, and not the House of Commons to make this appointment."

The construction which he put upon that statement was, that as his noble Friend and the Government of that day had decided not to appoint Mr. Ellis, there was nothing additional in the present case to cause an alteration in that determination; and especially as there did not exist in 1835, any political reason for not appointing Mr. Ellis, who was connected with a nobleman, at that time a cabinet minister (the Earl of Ripon). He was not aware that it was necessary for him to touch upon any other point. With regard to the gravamen of the charge, he had given the only answer that could be given—he had given the most entire and the most distinct contradiction to the insinuation of the hon. Gentleman. To the papers mentioned by the hon. Gentleman, he was perfectly welcome; one of them, the act of Parliament required to be laid on the table; but he could not acquiesce in the construction which the hon. Gentleman put upon their production. He hoped that to all the cases that might be brought forward against the department with which he was connected, he should always be able to give the same contradiction as he did to the presen accusation, and certainly he never could agree to the notion that the Government by producing all the documents which might be required therefore admitted the charge.

Mr. *Hume* did not wish to make any observations upon the present question; but he would ask whether there would be laid before the House a copy of the application of Sir John Newport, for retirement, and for a pension, and also a statement of Sir John's services? Because he did not take the services in Parliament as a justification for a pension.

The *Chancellor of the Exchequer:* The only ground on which he assented to the motion was, that he was not aware of any application having been made. If the hon. Member moved for the letter it would be necessarily discovered whether it really existed.

Mr. *Hume* said, that he did not mean to move for a letter, which, according to the right hon. Gentleman, did not exist. He only asked if there was any letter. An extract had been read, and he thought, that the House should be put in possession of the date of the letter from which that was taken, which would at once remove all cavil.

Sir *Robert Peel* said, that it was quite impossible, nor did he understand his hon. Friend, the Member for Durham, to contest the claims of Sir John Newport to some provision. Although opposed to Sir John Newport on political subjects, he could not but say, that his claims to some provision out of the public funds was undoubted, at the expiration of his labours, which were, however, not so much in office as in his place in Parliament, if his circumstances required it. If they asked him, whether (at the age of eighty-four, after the long Parliamentary life of Sir

John Newport, in the course of which he maintained the highest possible character, when it appeared from the statement of the right hon. Baronet himself, that his circumstances were embarrassed, and unless it had so appeared he should not have attended to it) he ought to be permitted to retire without a provision, he was bound to state, that it would not have been just or expedient that he should have answered yes. But now the question was whether or not it was expedient to make the civil list available for the reward of public services? He had opposed the limitation of the grant when it was under discussion, and he should have thought that 1,200*l.* per annum was quite inadequate to meet the claims which would arise in the course of the year. The *prima facie* complaint now was, that having 1,200*l.* only with which to meet the demands upon the civil list, to meet every claim which might arise, whether from science, from the arts, or any other source, five-sixths of the allowance for the whole year had been appropriated to one person, leaving only 200*l.* as the miserable sum which the Crown could appropriate to meet all other claims. He was not one of those who complained of the exercise of the prerogative of the Crown, or who repined at the appointment of Sir John Newport to the office of Comptroller of the Exchequer. He thought, that that office was properly bestowed as the reward of public services in the case of that right hon. Gentleman, but the Government had appointed that Gentleman to the situation when he had arrived at the age of seventy-nine—at a time when they could not expect from him either active or very efficient service, and of the duties of which he would have been incapable if they had been of an active character—it being of the nature of—he would not say a sinecure, but of a most honourable provision, the proper and befitting reward of long public exertions. He would, however, ask why Ministers had now allowed him to retire? Having appointed him at the age of seventy-nine, not having placed him in any political office requiring active service, they had not shown any circumstances which required his retirement. Was the office one of inadequate establishment? Was there no provision made for the temporary absence or indisposition of the principal? There was; for there was a deputy at a salary of 1,000*l.* a year, empowered to act in such cases. What he wanted to know was, not why they withdrew any reward from Sir John Newport, but why they did not permit him to retain his office, and, if necessary, call upon the deputy to act in his absence? It was perfectly consistent, therefore, in him to admit the claim, and yet at the same time to contend, that the explanation which had been given by the right hon. Chancellor of the Exchequer was not at all satisfactory. Even if the retirement of the right hon. Baronet took place, however, he must say that the services he had performed were not of that nature which should have entitled him to remuneration from the civil list. He did not believe, that in limiting the fund to 1,200*l.* per annum, it was meant, that that sum should afford the means of reward for public services like those of Sir John Newport, and he considered, that it would be very bad precedent if a Government, applying their own construction to the services of one of those connected with themselves, drew on that fund to reward his services. He begged it to be particularly observed, that these were not official services. He admitted, that Sir John Newport had rendered great public services out of office. Let them take the case of Mr. Burke. He held office for a very short time, and a pension of 4,000*l.* a-year was granted to him from the civil list; but that was granted at a time far different from the present, and was taken from the civil list without drying up those sources which were open to other claims. He was, however, now arguing under a different state of things, when 1,200*l.* was all that could be appropriated to the reward of services, of whatever character. If the Government had contemplated adopting the course, which in this instance they had taken, would they have imposed the limitation which had been adopted? Would they not have extended the power of the Crown, when in the very second year of the regulation, five-sixths of the sum granted were given as a reward for political services? But the Chancellor of the Exchequer had detailed the services of Sir John Newport—services which he admitted were highly meritorious, but which at the same time were not of an official, but of a Parliamentary character. He said, that it would be a dangerous principle to adopt, that mere Parliamentary services should be so rewarded. The limitation of such a principle could not be determined. A powerful party had a friend, not holding any official station, but taking an active part in politics, bringing forward useful measures; but would such a circumstance entitle them to remunerate him from the funds at the disposal of the Crown? The Crown was the judge of official services performed, but it would be dangerous to make it the judge also of those of a Parliamentary nature. Here was a special instance standing on its own grounds, and he thought that that authority which had witnessed the useful and meritorious employment of the person to be rewarded, should also be the judge of the remuneration to be given, and the claims of any person for services performed in Parliament should be recognised and attended to by Parliament, and not by any other power. When the hon. Member for Durham first brought forward this motion, he could have no knowledge of the real facts of the case, and he was perfectly justified in soliciting an explanation, because, supposing the pension to have been granted for the purpose of facilitating any political arrangement, a grosser or more scandalous perversion of authority could not have taken place. If the grant of the pension to Sir John Newport had been made in consequence of any claim or application from Lord Monteagle, which they were bound to suppose was not the fact, after the explanation of the right hon. Chancellor of the Exchequer, then he should have considered this one of the most scandalous appropriations of public money possible to be made. He had already given his ample testimony to the merits of Sir John Newport, and he was sure that every one would at once recognise the very fair remuneration which he possessed; but the ground of complaint was, that the Government had not proved the necessity for his retirement. With respect to the appointment of Lord Monteagle to the situation of Comptroller-general, he for one could not insist on the appointment of Mr. Ellis or any other person to that office; but he thought that, although the duties attending it were not laborious, yet it should be retained to be given as a reward for the most eminent public services which any public man could render to his country.

Lord *John Russell* said, that after the explanation which had been given by the right hon. Chancellor of the Exchequer, and the very few observations offered to the House by the right hon. Baronet who had just sat down, with respect to this pension, he certainly should not think it necessary to make many remarks. The right hon. Baronet admitted, at the commencement of his speech, both that the office was worthily filled by Sir John Newport, and that he did not object to that right hon. Gentleman receiving a a pension from the public. [Sir *Robert Peel:* If his retirement were necessary.] Exactly so: the right hon. Baronet had stated certain qualifications, and the first was, that the pension of 1,000*l.* a-year should not be granted out of the civil list. He thought that it would be exceedingly difficult to lay down a rule of this kind. He had never heard such a suggestion made before, and it appeared to him, that it would be a most inconvenient rule, that having 1,200*l* a-year for distribution, it should be said that that sum should be given in certain portions, and not according to the claims of the persons to whom pensions should be granted; and he was of opinion, that where a person possessed a clear claim to the grant of a large sum of money, it was the duty of the Crown to grant that sum in the mode adopted in this instance. The main argument urged by the right hon. Baronet who had last spoken was, that Sir John Newport had not been permitted to retire. That was a matter, however, which was entirely dependent upon the particular state of the health of the person who held the office, and it would be impossible for any House of Parliament to lay down a rule in reference to such a question. The fact was that Sir John Newport, in 1838, was attacked with a severe illness, and expressed to Lord Melbourne a wish to retire. Lord Melbourne regretted the state of Sir John's health, and there was a possibility of his illness assuming a more serious character, but he became better, and did not give up the duties of his office. In 1839, however, his indisposition increased, and, after a prolonged stay abroad, he said that he could not return to England with any comfort to himself. The right hon Baronet had described this office very properly as one of no very great or very irksome labour, but it required an accurate knowledge of financial details, strict attention, and the greatest care that no error should be committed while the comptroller was in the management of the office. He thought, then, that they might easily determine whether a man of eighty-four years of age was well qualified to fill such a situation, and he was of opinion that the First Lord of the Treasury would not be justified in saying to a man in the position of Sir John Newport, who had so long and so faithfully served the public, that he must continue in office, when the effect of his doing so might be to shorten the duration of his life, and even to bring it to a sudden termination. It appeared to him, that the repeated remonstrance of Sir John Newport to Viscount Melbourne was quite sufficient to authorise the step which had been taken. The right hon. Baronet had likewise stated that there was considerable danger in allowing the Crown to become the judge of Parliamentary service. He should say the same thing, if this pension had been granted to a man in the vigour of life, or to one who had taken or was taking an active share in Parliamentary contests. Nobody, however, would make an objection, if a statesman were cut off in the midst of his career, to the Crown's granting a pension to his widow, or to his children, if they stood in need of it. And as Sir John Newport's life had been prolonged beyond the ordinary run of human existence, and as he was unfortunately in circumstances which rendered it necessary to the comfort of his declining life that some assistance should be rendered to him, he was of opinion that there was not the less reason for granting that assistance to Sir John personally, than there would be for granting it to his widow or children. He would not enter into an enumeration of Sir John Newport's long Parliamentary services. He had had the good fortune to act with him for many years, and from family circumstances he happened to know a good deal of his labours whilst in office in 1806. He happened to know, that on the subject of education, on that of the Established Church, on that of Hospitals and Fever-houses in Ireland, Sir John Newport had bestowed great labour. As a proof of it, he would state that no less than nine acts of Parliament were passed, as the fruits of the attention which he had devoted to those subjects during the short period he was then in office. It was not on mere party subjects or mere party struggles that his attention was engaged, but it was on those objects in which he took a deep interest, as thinking that they would promote the interest of his native country. He could not help thinking, that at the end of Sir John Newport's long career, when he stated conscientiously that he could not longer discharge the duties of his office, Lord Melbourne did nothing but what was right and constitutional in recommending that he should have a salary of 1,000*l.* a-year. The hon. Gentleman who brought forward this motion stated that he was ignorant of Sir John Newport's public services. That statement only showed that the hon. Gentleman had paid but little attention to the Parliamentary history of the times during which Sir John Newport lived, and he thought that it would have been better for the hon. Gentleman, before he proposed this motion, to have made himself acquainted with Sir John's services, than to have made a speech, not indeed of direct attack, but of indirect charge and insinuation against the hon. Baronet's integrity. The other part of the question which arose upon this motion was connected with a totally different subject. It was whether Sir John Newport, being unable to continue in office any longer, the Crown was right in acting upon the advice given by her Majesty's Ministers, and appointing Lord Monteagle to the vacant situation. He was fully convinced that no man was better competent to perform the duties of the office, who would pay more assiduous attention to them, or whose private habits better fitted him for their fulfilment. When the office was first formed, it was proposed that Lord Auckland should hold it, and the Government of the day was so anxious that it should be conferred on him, that they determined that it should be given to him, in conjunction with the situation of Commissioner of Greenwich Hospital; but that was successfully opposed by his hon. Friends opposite. Though it was not an office which required the active services of a Minister of state, and though it did not require continued labour without any absence from the metropolis, still occasions might arise when it would be found highly inconvenient to the public service if it were placed in either careless or ignorant hands. He could only say that he did not believe that the Government could place before the House the particular services for which the appointment was conferred on Sir John Newport. These were matters which must be left to the general responsibility of the Government, and he must say that upon the whole case there was not a shadow of a charge against the Government for the conduct pursued with reference to Sir John Newport in granting him a pension, or for the appointment of Lord Monteagle to the Comptrollership of the Exchequer.

Lord *G. Somerset* was not about to enter into the case of Sir J. Newport, but he must say, that the question put by the hon. Member for Kilkenny, had not been answered either by the hon. Gentleman or by the noble Lord. Did the noble Lord mean to say, that there were to be found no means of affording information to the House as to the date of the application made by Sir John Newport? He apprehended the noble Lord must be able to say at least, whether the application was made by letter or not.

Lord *J. Russell* could not say whether the application was made by letter or not, nor did he know, as the transaction was in no way connected with the office which he held, whether there were any means of ascertaining the exact date of Sir John Newport's application. All that he knew on the subject was from Lord Melbourne and Lord Duncannon. Lord Duncannon had received the application from Sir John Newport, and had mentioned to Lord Melbourne that Sir John Newport wished to retire. He believed it was frequently the case, that applications of that nature were not made in writing; but he was not able to say, whether the application was in this instance made by letter or not.

Mr. Serjeant *Jackson* had understood the noble Lord to say, that Sir John Newport was in Ireland at the time the application was made. It must, of necessity, therefore, have been made by letter.

Mr. *Hume* said, that he had asked a particular question of the noble Lord, because he did not wish to offer any opinion on the subject, before he was in possession of the precise facts of the case. He should say nothing now upon the grant made to Sir John Newport, but he must enter his protest against the statement made by the right hon. Gentleman, that the House of Commons were to be the judges of the propriety of granting pensions. If that were the case, there would be the greatest corruption, because a strong party in the House might at any time press upon the Government the propriety of granting pensions to any individuals belonging to their party. At the same time, he must say, that having been a Member of the committee which sat to inquire into the circumstances under which former pensions had been granted, he considered, that it was no defence in the present instance, to quote examples of pensions granted under the former practice, as a new rule had been established, and ought to have been adhered to. His opinion, from what he now heard, was, that Sir J. Newport had no right to the pension which had been given to him, and with regard to the transaction being a job, that depended on the date of the application.

Sir *R. Peel* remarked, that all he had said was this, that it was laying down a most dangerous precedent to reward Parliamentary services. He did not say, that occasions might not arise when it would be proper to confer a pension for Parliamentary services, when a man had spent his life in Parliament, and was not in affluent circumstances, as in the case of Mr. Burke; but, at the same time, if there were special circumstances which justified a departure from what ought to be the general rule, he thought it was the duty of the Government to lay the facts before Parliament for its consideration.

Mr. *Liddell* in reply, said, that he had never denied that public services ought to be rewarded; but what he maintained was, that the reward should be given, not for Parliamentary, but for official services. With regard to the character of the transaction, when he considered that the retirement of Lord Monteagle from the office of Chancellor of the Exchequer, was simultaneous with that of Sir John Newport, and that he had not heard the explanation which had since been offered by the right hon. Gentleman the Chancellor of the Exchequer, he might be excused for saying that the transaction was *prima facie* suspicious. Having now heard the explanation which the right hon. Gentleman had given, he must say, that it might have been more satisfactory.

Motion agreed to.

Mr. Sheriff Wheelton.] Sir *E. Knatchbull* said, that perhaps the House would excuse him if he now mentioned a circumstance which had come to his knowledge in the course of the evening, affecting the situation of one of the sheriffs of London—Mr. Wheelton. He understood, that his health had been so much impaired by his imprisonment, that it would be scarcely consistent with the safety of his life, if he were kept longer in custody. He had seen the medical gentleman who attended Mr. Wheelton, and he had assured him, that Mr. Wheelton's health had been very indifferent for some time before he was placed in confinement, and he thought, that if he were kept longer in custody it would endanger his life. The surgeon was in attendance, and ready to be examined if the House thought proper.

Mr. William Brookes, the medical attendant of Mr. Wheelton, was called in and examined. In reply to questions put by the Speaker, he said, that Mr. Wheelton had, for the last three months, suffered from congestion of the vessels of the head, and, independently of that, he had a predisposition to disease of that character, his father and mother having both died suddenly. Mr. Wheelton had a very short neck, and from his general frame and habit of body, was likely to be a subject for apoplexy. He had no doubt, that unless very great care was taken of him, his life would be endangered. He could not answer for it, that an attack of apoplexy would not come on even from hour to hour. It was his decided opinion, that his life would be endangered if he continued longer in confinement.

Witness withdrew.

Sir *E. Knatchbull* said, he should hope that after the statement made by the medical attendant of Mr. Wheelton, it would be consistent with the feeling of the House that he should be discharged.

Lord *J. Russell* suggested, that the motion of the right hon. Baronet should state that Mr. Wheelton's life would be endangered by further confinement.

Mr. *Hume* observed, that after the statement made that Mr. Wheelton's life would be endangered, he should not oppose the motion, but he wished that the statement of Mr. Brookes should be taken down as evidence. It would, perhaps, be enough for the clerk of the House to put down, that Mr. Wheelton's life would be endangered by further confinement.

Sir *R. Peel* remarked, that it was distinctly stated that Mr. Wheelton had manifested symytoms of the disorder with which he was now threatened before he was placed in confinement, and that they had been aggravated since. He confessed, that after the statement made. that the sheriff's life would be endangered by his further detention, he, for one, would not continue him in confinement for a single hour.

Mr. Brookes again called in, and the evidence he had given was read to him by the clerk at the bar.

The *Speaker* asked, if the evidence as read to him by the clerk, had been correctly taken down?

The Witness.—It is quite correct.

Sir *E. Knatchbull* then moved, "That it having been stated by W. Broaches, esq., medical attendant on J. Wheelton, esq., that in his judgment Mr. Wheelton's life will be endangered by further confinement, the sheriff be forthwith discharged from the custody of the Sergeant-at-Arms attending this House."

Motion agreed to.

Mr. *Hume* wished to have it understood whether the sheriff was to be discharged on payment of his fees in the usual way, or otherwise.

The *Speaker* stated it to be his opinion that persons in custody of the Sergeant, who had been ordered into confinement by the House, and whose health, it was stated, would be endangered by further confinement, ought to be at once discharged by the House without payment of their fees.

Mr. Sheriff Wheelton ordered to be discharged without paying his fees.

Divorce Bills.] Mr. *Labouchere* rose in pursuance of notice, to move that all divorce bills be referred during the present Session to a select committee of nine Members. He stated, that he considered this course the best calculated to give satisfaction to parties concerned in such cases, and to the House, as the details would be subjected to the examination of a committee of Members, some of whom, as Sir E. Sugden, and Sir C. Grey, had held judicial offices.

Mr. *Hume* said, that the Government ought to have removed this inquiry from the House long ago. The House had already too much business to attend, and ought not to be burdened with what was only the mockery of a judicial inquiry. He would remove divorce cases altogether from the House, and with the view to the more mature consideration of some means of getting rid of them, he would now move that this debate be adjourned to any day within a fortnight most convenient to the right hon. Gentleman.

Mr. *Labouchere* hoped his hon. Friend would not press the adjournment, as the plan which he proposed was admitted to be better than that which at present existed.

Sir *R. Peel* had no objection to try the plan of a select committee up stairs on divorce cases, but he would not take from the House the power of inquiry at its bar in such cases where it might deem such inquiry necessary. He had no doubt that in most cases the reference to a select committee would work well, but the fact that the House reserved to itself the power of going into a severe scrutiny, and of examining the parties at the bar, would operate as a salutary check on fraud and collusion. Indeed, one great object of Parliament keeping to itself the decision in such cases was intended to guard more strictly against cases of fraud and collusion. If the House was to continue to be a party to an act of Parliament, it ought not to delegate its right of inquiry to a select committee in all cases, but should reserve to itself generally the power of inquiry at its bar in cases where it might have ground to suspect fraud and collusion.

Mr. *Law* concurred with the right hon. Baronet in thinking that the House should reserve to itself the power of inquiry generally whenever it saw it necessary. He thought it of the utmost importance that all divorce cases should be by act of Parliament.

Mr. *Warburton* had very strong objections to sending the inquiry, in cases of divorce, to a secret tribunal. He had understood that to be so from the observation of one speaker, but he could not say which. He would object to any inquiry with closed doors. [*No, no.*] Well, then, he was to take it that the inquiry was to be open. But to this he would object. The giving to Parliament exclusively the jurisdiction in divorce cases was to give to the rich an advantage, such as it was, from which the poor were excluded. It seemed to be an assumed axiom that Parliament, and Parliament alone, was to decide in such cases; but that would be making the law unequal; it would be making one law for one class, the rich, from any advantage of which the poor would be excluded. To that he would not be a party.

Mr. *Goulburn* would maintain, when the proper time came for the discussion, that it was necessary to reserve to Parliament the right of ultimately deciding on divorce questions.

Amendment withdrawn. Original motion agreed to, and committee appointed.

HOUSE OF COMMONS,

Wednesday, February 12, 1840.

MINUTES.] Bill. Read a second time:—Vagrants Removal.

Petitions presented. By Sir James Graham, Sir R. H. Inglis, Sir T. Freemantle, General Lygon, Mr. Planta, and Sir E. Wilmot, from a number of places, for Church Extension.—By Sir E. Knatchbull, and Mr. Packe, from Derby, and other places, against any further Grant to Maynooth College.—By Messrs. Oswald, Eliot, Villiers, and Sir James Graham, from a number of places, for the Repeal of the Corn-laws.—By Mr. D'Israeli, from Maidstone, for the Release of the Sheriffs.—By Sir G. Strickland, Mr. Ewart, and Mr. Ward, for the Release of John Thorogood, and for the Abolition of Church Rates.—By Mr. Bannerman, from Aberdeen, against the Present system of Church Patronage.—By Sir James Graham, and Captain Gordon, from several places in Scotland, against the Intrusion of Ministers into Parishes without the consent of the Householders.—By Mr. Litton, from Millers in Ireland, against the Introduction of Foreign Flour into that Country.—By Sir James Graham, from Dalston, near Carlisle, for the Repeal of the Duty on Raw Cotton.

LITHOGRAPHED PETITIONS.] The *Speaker* wished to call the attention of the House to the fact, that a petition which had been presented was lithographed. Now it was against the orders of the House, that any printed petitions should be presented, and he wished to draw the attention of the House to this circumstance, as he understood, that of late, several lithographed petitions had been presented.

Mr. *Freshfield* said, the committee on petitions would be glad to receive some authority from the House, as to the manner in which they were to deal with these petitions. They were frequently referred to the committee, and they could not make any objections to them there, unless the House would be pleased to give some directions on the subject. He would suggest, that the House should direct the committee not to report on lithographed petitions.

The *Speaker* thought it would be better, that it should be henceforth distinctly understood, that the House would consider lithographed petitions to be printed petitions.

TITHE COMMUTATION ACTS AMENDMENT BILL.] Sir *E. Knatchbull* moved the second reading of the Tithe Commutation Acts Amendment Bill. In this Bill, there were two or three claims which might be modified in the committee. He meant especially those relating to hops and market grounds. He wished to do everything to forward the intentions which the Legislature had in passing the Tithes Commutation Act. And one of his principal objects in the present measure was to prevent tithe from being taken in kind, when the rent charge was fixed, that was to say, between the apportionment and the commutation.

Mr. *Divett* was decidedly opposed to the Bill. It would be impossible to dovetail an Act of seventy-four distinct clauses into the several different Acts which had been passed upon this subject, without producing the greatest doubt and confusion. The first Tithe Act was the 6th William 4th, and then there was the Act of the 1st Victoria, which had been followed by others on the same subject. The hon. Baronet said, that his object was to prevent the taking of tithe in kind, between the apportionment and the commutation. Now that might be a very good object, but it would not be attained under the proposed Bill, without great expense and inconvenience, and it would materially stand in the way of the justice of the apportionment. He found, that the expenses of the present Tithe Commission amounted to 60,000*l.* a year, and he believed, that the present measure would tend considerably to increase that. The right hon. Baronet, in introducing his Bill, had talked of the inconveniences of the present system, and of the great difficulty of collecting tithes. He believed, however, that those difficulties existed only in a very few instances, and that there was a general disposition in the country to enter into voluntary agreements on subjects of the kind. The Tithe Commissioners said they had reason to express their satisfaction at the working of the Bill, and there was therefore no reason to come to the House for its alteration when appeals were of rare occurence, and acquiescence was the general rule. If that was the opinion of the Tithe Commissioners, why allow a Bill of this sort to pass, which would materially alter the Act, and make that which was already extremely difficult to understand, a great deal more difficult. He contended, it was not sufficient for any Member to say the Tithe Commissioners concurred in the Bill. If this were the case, the Bill ought to be introduced under their auspices, and they should have taken upon themselves the responsibility of any changes they thought might be required. One clause only in their report could justify this supposition, though in another place they said, "the hardship of collecting tithe in kind had been strongly pressed upon them." He had no doubt of it; but the time of the House should not be taken up in legislating on individual cases of grievance. He contended, that the intention of the framers of the Bill had been fully carried out, and that there was no occasion for the House again interfering. And having stated what were his objections to the Bill, and knowing that vast alterations must be made in committee, he thought it had better be stopped at the second reading, than allowed to go into Committee, where it would probably pass in a state that would be prejudicial to the interests it affected. He therefore, moved, that the Bill be read that day six months.

Mr. *Fox Maule* could assure his hon. Friend, that this Bill had been introduced with the full concurrence of the Tithe Commissioners. When this measure was first proposed to the House, he had referred to the Tithe Commissioners on the subject, and he had this day gone through the Bill with one of those gentlemen, who had told him, speaking not only for himself, but his colleagues—when he said, that the Bill had their entire concurrence, as calculated to relieve them from a great portion of their labours, and to make the operation of the Act much less expensive. The object of this, was to effect a commutation of tithes into a rent-charge, as speedily as possible. It was quite true, that in most cases this had been done on the voluntary principle, but still there were many cases in which the old custom of taking tithes in kind still remained; and unless some measure were taken to remedy this inconvenience, the power conferred by this custom might be exercised most vexatiously. It was quite true, that the clause had been introduced by the right hon. Gentleman opposite, and he did not think, that this measure could have come more effectually before the House if the Tithe Commissioners brought it forward on their own authority. On the contrary, the Tithe Commissioners had said, that they would take advantage of this Bill to introduce certain necessary amendments. His hon. Friend had complained of the great number of amended Bills on this subject; it would be a matter of surprise if such had not been the case, because it would be a wonder if in a great measure, such as that of the Tithe Commutation, they should have been enabled to have introduced a perfect Bill at once. Reserving, therefore, to himself the right of entering into a full explanation of this Bill, clause by clause, in committee, he should vote for its second reading.

Mr. *Goulburn* doubted if this bill would effect what the hon. Gentleman expected. It appeared to him that the clauses in question would affect merely a small number of cases. By the proposed arrangement, when a parish made an agreement substituting a rent charge for tithes, any landholder might render himself security for the payment of the charge on the whole parish. If the landlord were the proprietor of the whole parish, it might be worth his while to do so, but if he were not, it was improbable that he would take the chance of recovering the amount from the other landholders. The delay now existing in carrying forward the operation of the act, arose between the agreement and the apportionment, and the apportionment was delayed from petty squabbles among the landholder as to little expenses, and the only way in which these squabbles could be terminated, was by the pressure upon the parties of the inconveniences of the present system. He much feared little good would result from giving facilities for further delay. There were other clauses of great importance, which he had not had time fully to consider—one giving power to the Commissioners to fix boundaries. On the whole, if the amendment were pressed, he feared he must vote for it; but he would rather not vote against the bill till some future stage.

Sir *R. Inglis* deprecated proceeding with the second reading of the bill, considering that it had only been printed six days. He was of opinion that time ought to be allowed for considering the bill, but as that was refused, he should vote, if called upon, with the hon. Member for Exeter, that the bill should be read a second time that day six months.

Sir *Edward Sugden* objected to the powers that had been added to the bill by the Tithe Commissioners. What he would therefore propose was, that the bill should be referred to a committee up-stairs, where the whole subject could be considered with more deliberation than in that House. If that were agreed to, probably the hon Member for Exeter would withdraw his motion.

Sir *E. Knatchbull* was quite ready to accede to the proposition of a Select Committee. He hoped the hon. Member for Exeter would allow the bill to be read a second time, in order that it might be sent to a Committee up-stairs.

Mr. *Divett* would persevere in his amendment.

The House divided on the original question:—Ayes 77; Noes 21: Majority 56.

List of the AYES.

Aglionby, H. A.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Blackburne, I.
Blake, M. J.
Bodkin, J. J.
Boldero, H. G.
Bolling, W.
Bowes, J.
Broadley, H.
Clerk, Sir G.
Cochrane, Sir T. J.
Darby, G.
Douglas, Sir C. E.
Egerton, W. T.
Fleetwood, Sir P. H.
Fort, J.
Gillon, W. D.
Gordon, hon. Capt.
Gore, O. J. R.
Graham, rt. hn. Sir J.
Grant, hon. Colonel
Grant, hon. F. W.
Greene, T.
Grey, rt. hon. Sir C.
Grimsditch, T.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hastie, A.
Heneage, G. W.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Johnstone, H.
Kirk, P.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Mackenzie, T.
Mackenzie, W. F.
Miles, W.
O'Brien, W. S.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Perceval, Colonel
Pigot, D. R.
Polhill, F.
Pringle, A.
Rose, rt. hon. Sir G.
Round, J.
Rushbrooke, Colonel
Rutherfurd, rt. hn. A.
Scarlett, hon. J. Y.
Sheppard, T.
Steuart, R.
Style, Sir C.
Sugden, rt. hn. Sir E.
Sutton, hn. J. H. T. M.
Vere, Sir C. B.
Verney, Sir H.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Walker, R.
White, A.
Williams, W. A.

Winnington, Sir T. E.
Winnington, H. J.
Young, Sir W.

TELLERS.
Knatchbull, rt. hon. Sir E.
Maule, hon. F.

List of the NOES.

Aglionby, Major
Arbuthnot, hon. H.
Bagge, W.
Bellew, R. M.
Bewes, T.
Blair, J.
Brotherton, J.
Dennistoun, J.
Duncombe, hon. A.
Ewart, W.
Hector, C. J.
Inglis, Sir R. H.
Lushington, C.
M'Leod, R.
Martin, J.
Pechell, Captain
Salwey, Colonel
Thornley, T.
Vigors, N. A.
Warburton, H.
Yates, J. A.

TELLERS.
Goulburn, rt. hon. H.
Divett, E.

Bill read a second time.

SPIRIT LICENCES (SCOTLAND).] Mr. *Gillon* moved the second reading of the Spirit Licences (Scotland) Bill. The object of it was to take out of the hands of magistrates the power of granting licences, and to transfer that power to the Excise.

Mr. *Pringle* opposed the second reading of the bill. It would do away with certificates of character, which were now required once a-year; and no one he thought should wish to do away with that necessity. He moved that the bill be read a second time that day six months.

Mr. *R. Steuart* said, that the bill did not interfere unjustly with the power of magistrates, but went merely to alleviate some of the inconveniences arising to persons in the spirit trade in Scotland. The principle of the bill was, that a man whose character was unimpeached, and against whom no complaint had been made to the magistrates, should not be compelled to travel a considerable distance to a county town to have his certificate renewed from the Excise Office. There was no desire on the part of those who introduced the bill, to lessen the power of the magistrates in withholding licences from persons whose characters were not unobjectionable. The object was merely to relieve the honest and upright dealer from unnecessary and irksome trouble.

Sir *George Clerk* objected to the bill, because it interfered with the assimilation of the law of Scotland with the law in England upon the same subject. The law in both countries with respect to the renewal of licences by spirit-dealers was the same, and the bill in question interfered to set aside that equality. He would recommend that no sums for spirits under 20*s.* should be recoverable by action in Scotland, which would have a powerful influence upon the morals of the people, because it would prevent persons engaged in the sale of spirits from giving credit. He would recommend the hon. Member for Falkirk to leave the matter in the hands of the Government; but to the bill, in its present state, he would give his opposition, as interfering with the wholesome policy of the control of the magistrates.

The *Chancellor of the Exchequer* said, that the advocates in the House for magisterial control, would admit, that that control ought to be exercised with the least inconvenience to the individuals over whom that control was to be exercised. The Government had had memorials, and numerous complaints had been made by persons who had experienced the inconvenience arising from the present system of licensing in Scotland. The object of the bill, in its present form, was, not to deprive the magistrates of any power they then possessed; and for that reason, and for the well-grounded reasons assigned by those who had made complaints to the Government, he would vote for the second reading of the bill. His object was, that persons of fair character engaged in the spirit trade should not, by any technical objection, be deprived of their licence, or be subject to the inconvenience of having their stock-in-trade lying on their hands, by reason of not applying upon a particular day to the bench for a certificate.

Mr. *Herries* would oppose the bill, as he believed, that it would afford satisfaction neither to the magistrates, nor to the individuals for whose benefit it was said to be introduced.

The House divided on the original motion :—Ayes 42 ; Noes 60 : Majority 18.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Blake, M. J.
Bowes, J.
Bulwer, Sir L.
Corbally, M. E.
Craig, W. G.
Dennistoun, J.
Elliot, hon. J. E.
Fleetwood, Sir P. H.
Fort, J.
Hastie, A.
Howard, P. H.
Lushington, S.
Macaulay, rt. hn. T. B.
Macleod, R.
Maule, F.
Miles, W.
Morpeth, Viscount
Morris, D.
O'Brien, W. S.

Pechell, Captain
Pigot, D. R.
Pryme, G.
Rutherfurd, A.
Salwey, Colonel
Smith, J. A.
Style, Sir C.
Thornley, T.
Turner, E.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Winnington, Sir T. E.
Wyse, T.
Yates, J. A.

TELLERS.

Steuart, R.
Gillon, Mr.

List of the NOES.

Arbuthnott, hon. H.
Blackstone, W. S.
Blair, J.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Clerk, Sir G.
Cochrane, Sir T. J.
Corry, hon. H.
Darby, G.
Douglas, Sir C.
Duncombe, hon. A.
Eaton, R.
Fector, J. M.
Filmer, Sir E.
Gordon, hon. Capt.
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, hon. Colonel
Grant, F. W.
Grimsditch, T.
Hector, C. J.
Heneage, G. W.
Hepburn, Sir T. B.
Herries, rt. hn. J. C.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Inglis, Sir R. H.
Johnstone, H.
Kirk, P.
Knatchbull, Sir E.
Knox, hon. T.
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Polhill, F.
Rose, rt. hon. Sir G.
Round, J.
Rushout, G.
Sharpe, General
Shaw, rt. hon. F.
Sheppard, T.
Somerset, Lord G.
Sugden, rt. hon. Sir E.
Sutton, hon. J. H. T.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Young, J.
Young, Sir W.

TELLERS.

Pringle, T.
Lockhart, W.

Bill put off for six months.

TRANSFER OF AIDS.] On the motion of the *Chancellor of the Exchequer*, the House resolved itself into Committee on the Transfer of Aids.

Mr. *Herries* would avail himself of that opportunity of making some observations suggested by the account of ways and means remaining of 1839, to be transferred by this bill to the service of 1840, in connexion with an assertion made some nights ago by the Chancellor of the Exchequer, that the unfunded debt was reduced to 20,000,000*l.* It appeared by the account that 1,000,000*l.* of Exchequer-bills remained to be issued: the right hon. Gentleman had stated that 20,000,000*l.* were actually outstanding: when the issue was completed, the whole amount would, therefore, be 21,000,000*l.* And he thought this must really be the true amount of the unfunded debt, because he found on looking back to the accounts, that the reductions which had been effected from the amount of 29,000,000*l.* at which it stood two years ago, were 4,000,000*l.* by transfer to savings banks, and 4,000,000*l.* by funding: in all 8,000,000*l.*, leaving therefore 21,000,000*l.* as the now unprovided-for unfunded-debt, and not as the Chancellor of the Exchequer had stated 20,000,000*l.*

The *Chancellor of the Exchequer* stated, that the first question of the right hon. Gentleman was, whether it was proposed to issue the one million of Exchequer bills which was granted last year? His answer to this question was in the affirmative. Again, with respect to the second question, which referred to the four millions in addition which had been spoken of by the right hon. Gentleman, he could only reply that it never was in the contemplation of the Government to issue, under the act of last year, any amount of Exchequer bills beyond the one million to which he had just alluded, and which they were authorised by Parliament to issue. The right hon. Gentleman had, therefore, conjectured right when he assumed that the Government did not intend to do so. With respect to the statement of the amount of Exchequer bills, he had given it accurately on the former occasion—namely, that on the 5th of January, 1839, it was 29,957,000*l.*, and on the 8th of June, this year, the amount was 20,180,000*l.*; but he did not include in this statement the one million to be issued. This added will increase the statement of the unfunded debt from 20,000,000*l.* to 21,000,000*l.*

Mr. *Herries* desired it to be clearly understood, that the whole amount of 25,000,000*l.* of Exchequer bills voted last year in ways and means ought not now to be issued. The sum of 4,000,000*l.* of the former bills which they were granted to discharge having been funded, the actual issue must be confined to 21,000,000*l.*

The *Chancellor of the Exchequer* stated the grounds on a former night, on which the House was called upon to make the vote which it did; and it might have the appearance of overlapping to a certain extent. He was not aware of any serious inconvenience that might occur from it. He would only add that, under the circumstances, it was impossible to take any other course.

Mr. *Herries* observed, that if the right hon. Gentleman looked back to the accounts of the unfunded debt on former occasions, he would find that care was taken in this respect when Exchequer bills had been funded to make a corresponding deduction from the vote of new bills in the committee of ways and means. If the right hon. Gentleman looked to former transactions, he would readily understand what he adverted to. This, however, was not a mere objection of form, although it now might be easily rectified, but still it was desirable that there should not be a recurrence of it. If they allowed the statement to continue to appear as it did, the account of the last year would not be correctly balanced, and would hardly be intelligible. It was the usual practice to make the vote in ways and means and in supply to correspond within a comparatively small sum—such as 100,000*l.* by which the former exceeded the latter: but in the present case, the apparent difference of 4,000,000*l.* owing to the irregular mode of conducting the finance business of the last year, was inexcusable.

The *Chancellor of the Exchequer* said, that the appearance on the face of the amount might be such as the right hon. Gentleman had described, but it would be set perfectly right in the general accounts, and no inconvenience could result from it. There were some overdue Exchequer bills not paid, and there were some sums required under the appropriation act. For his own part, he did not see any very serious objection to this alleged discrepancy.

Mr. *Goulburn* contended that it was not merely an objection in form, but in substance. Here the House gave authority to the Treasury to issue 25,000,000*l.* of Exchequer bills, and it turned out that only 21,000,000*l.* were required.

The *Chancellor of the Exchequer:* It was believed that more would have been required.

Mr. *Goulburn:* They were wanted, then, to make up any deficiency in the revenue that might have occurred. On this ground, then, were they to issue 4,000,000*l.* of Exchequer bills? Owing to circumstances such as these, they might go on increasing the amount of Exchequer bills, which they would be obliged to meet subsequently by a loan. If the revenue had proved much shorter than it did, they must then have issued the whole amount of Exchequer bills that they asked for. He thought that it was extremely objectionable that, in the appropriation act they should get an amount of 25,000,000*l* of Exchequer bills voted, when a much less amount would have answered the purpose. This, he repeated, he thought was an objection in substance, and not merely in form.

The *Chancellor of the Exchequer* observed, that no doubt the amount of Exchequer bills voted in committee of ways and means was greater than was ever supposed was required, but the reduction might not have been such as had really occurred.

Mr. *Goulburn* entertained great objections to the proceeding, and must repeat his dissent from the Chancellor of the Exchequer.

Several clauses of the bill agreed to.

The House resumed.

HOUSE OF LORDS,

Thursday, February 13, 1840.

MINUTES.] Bill. Read a second time:—Prisons Act Amendment.

Petitions presented. By Lord Kenyon, from Shepton Mallet, against any further Grant to Maynooth College.—By the Bishop of London, from several places for Church Extension; from one place, against any further Grant to Maynooth College; and from St. Paul's, Covent Garden, against Sunday Trading.—By the Bishop of Exeter, from Individuals, against Socialism.

THE SOCIALISTS.] The Bishop of *Exeter* presented a petition from certain persons, attorneys, for whose respectability he could vouch, stating that they had paid great attention to the publications of the Socialists, and they were desirous of directing the attention of the House to the subject. More particularly they wished to draw their Lordships' attention to a publication entitled the "Social Bible," which contained matter of a highly objectionable nature; and praying their Lordships to adopt further legislative measures to prevent the propagation of Socialist principles. He thought it right to state, in presenting this petition, that he should have entirely concurred in the prayer of it if he had not believed that the existing laws, if properly administered, were quite sufficient to put a stop to any enormities which might be committed by the publishing of blasphemous immoral publications, and he believed that the noble Marquess, the Secretary of State for the Home Department, was sincere in the declaration he had made of his intention to enforce those laws in every case in which, with propriety, they could be enforced.

Petition laid on the table.

PRISON ACTS. AMENDMENT.] The Marquess of *Normanby* moved the second reading of the Prisons Acts Amendment Bill. The object of this Bill was to enable the visiting magistrates, with the concurrence of the Secretary of State, to relax the regulations of the Prisons Acts, as regarded debtors who were confined in the same prisons with criminals.

The Duke of *Richmond* thought it would be more satisfactory if the rules and regulations were made by the magistrates at quarter sessions than by the visiting justices. He thought this would be a good opportunity for the adoption of a recommendation he made some time ago, namely, that gaols and houses of correction should be exempt from payment of the Queen's taxes, which he thought was a great hardship on the rate-payers, and he hoped the Government would on this subject show they were aware of the great additional taxes which were pressing on them.

The Marquess of *Normanby* had already given directions for the preparation of a bill for the purpose of correcting the evils complained of with respect to prisons and poor-houses. With respect to the present bill, all that was intended was to allow visiting justices to act differently with respect to debtors confined in criminal prisons to what they did with respect to others who were incarcerated criminally.

The Duke of *Richmond* trusted that the noble Marquess would not put into the bill any suggestions with respect to workhouses, otherwise a noble Lord (Lord Stanhope), who was not now in his place, would come down and say that workhouses were prisons.

Bill read a second time.

RAILROADS—SUPPLY OF WATER FOR THE METROPOLIS.] The Marquess of *Westminster* rose, in consequence of a notice he had given on a former evening, and also in consequence of a notice he had given at the latter end of last Session, to bring before their Lordships a question with regard to railroads, and the better supplying of the Metropolis with water. Their Lordships might think it extraordinary that he should couple the two questions together; but he thought before he sat down he should be able to prove that his proposal to bring both these subjects before a select committee, which he should conclude with moving for, was the correct and necessary course. His proposition had nothing to do with the general system of railroads, but it was his intention, in the first instance, to have the attention of the committee directed to the very great danger which attended the present state of railroads. When they considered the immense heights of the banks over which the railways ran, and the comparatively slight manner in which those banks were constructed, their Lordships must be aware, that if any railway carriage should by accident run out of the railways, the consequence must be of the most appalling description. He thought, therefore, that if by having recourse to the advice of eminent engineers, after a full examination into this important subject, means could possibly be devised by which this danger might be averted, it was an object most desirable to be attained. With this view, he intended to propose that the question should be referred to a select committee, by whose labours he thought a most important service might be rendered to the country. Fortunately, hitherto, no serious accident of the description he had mentioned had occurred, for whenever the carriages had been driven off the rails, it had happened on low grounds, where the roads were level with the lands on either side. He had conversed with some very intelligent engineers on this question, and many of them thought it was practicable to adopt a system by which accidents of the nature he apprehended might be prevented. That, however, would form the subject of inquiry before the committee. Having thus briefly stated his object with regard to the railroads, he would now address himself to the other branch of his motion—namely, the appointment of a committee to inquire into the means of obtaining an ample supply of pure water to the inhabitants of the metropolis. Ever since he had turned his attention to both the subjects embraced by his motion, he had made up his mind not to take any share in, or have anything to do with, the direction of either railway companies or water companies, because he wished to stand entirely aloof from all suspicion of interest, bias, or prejudice, in the views he might entertain respecting them; and if their Lordships should agree to the appointment of a committee, he should endeavour to select such noble Lords to act upon it as should stand in a similar situation to himself, his wish being that the committee should be formed entirely of persons having no interest whatever in those companies. The question respecting the supply of pure water for the metropolis was undoubtedly one of much greater importance, affecting, as it did, the health and lives of the inhabitants, than that relating to railways. It was a subject also which had already engaged the attention of their Lordships as well as that of the other House of Parliament; but, notwithstanding an enquiry before a select committee of the House of Commons had taken place, and a report made thereon, still nothing satisfactory had been come to upon the subject. Their Lordships were aware that the great object was to obtain a sufficient supply of pure water. Although the supply might be sufficiently obtained from the river Thames, yet magnificent as that river in itself was, it was hardly possible to obtain pure water from that source. Many attempts had been made by the great monopolies; which the water companies really were, to obviate this grievous evil. The Chelsea Water Company had formed a large filtering bed composed of sand, and which to a certain extent had, he believed, been successful, but he was afraid it had not succeeded altogether. The Grand Junction Company was so situated, that it was impossible to obtain water in a state of purity, for they had introduced their " dolphin" near one of the most offensive drains that could possibly be found. Whatever efforts, therefore, the company might make, it must be obvious, that so long as that drain existed in the vicinity of their works, no pure water could be supplied by them. When this subject was discussed on a former occasion, the company undertook to make a very large expenditure, to the extent, he believed, of 100,000*l.*, with a view to remove the objection then urged, by carrying pipes up the river as far as Kew, and obtain a supply of purer water there; and in this attempt the company, he believed, had succeeded to a certain extent. Another company—called the Grand Junction and West Middlesex Company—had adopted a similar plan, and had likewise, to a certain degree, succeeded. But it was impossible to suppose that, even after all the money that had been thus expended, or after all the pains taken by the use of powerful machinery for throwing up the water to a hundred feet in height, anything like pure and wholesome water could be obtained within such a distance of London from a stream like the Thames, into which hundreds of the most offensive drains were constantly pouring their pernicious contents. If, then, any means could be devised by which a purer description of water could be obtained, their Lordships must feel that, for the sake of the health and happiness of the metropolis, it was most desirable that those means should be ascertained and adopted. To what, then, had their Lordships to look for a supply of pure water? To nothing but the streams that surrounded this great metropolis. There were many streams within the circuit of ten or twelve miles, and particularly one on the north side of the metropolis, from which there was a very great fall. Undoubtedly if a supply of pure water could be obtained within the metropolis itself, it would be all that their Lordships or the inhabitants could require. And he was aware, that some year or two ago a company had been formed for the purpose of furnishing water from springs under the metropolis itself, by sinking what are termed " Artesian wells," and if all which that company professed to accomplish could be verified, it would completely answer every purpose that could be desired. But he very much feared, that the plan was impracticable. Another company—he was not sure of the name, but he believed it was called the London and Westminster Water Company—had also put forth a prospectus for doing what would undoubtedly be a great blessing to the metropolis—that of bringing not only pure water, but an ample supply of it to the inhabitants. This company stated, that they had taken a piece of land between two and three miles in extent one way, and a mile and a half the other, at a place called Bushy Heath, near Watford, and within ten or twelve miles of London, where, by boring, water of a very fine and pure description might be raised to within eighteen feet of the surface. This land they stated was upwards of 160 feet above the level of the city of London, and, consequently, the water would flow without any sort of machinery being employed. Thus the great expense which was now incurred by the existing companies would be avoided. The water he had seen, and it was certainly of very excellent quality. He understood that this water was raised through a soil composed of light sand and gravel; that the springs were very near chalk hills, and that the quantity that could be supplied was sufficient to meet all the wants of the metropolis. For the supply of water thus obtained at Watford, a reservoir was to be formed at the Eyre Arms, in the neighbourhood of St. John's Wood—a place, no doubt, well known to their Lordships, since it was the spot selected for the principal rehearsals of the splendid "passage of arms," afterwards celebrated with so much magnificence and so gallant a display of modern chivalry at Eglintoun. The distribution thence to every part of the metropolis would be attended with little difficulty and little expense. It was true, that if any plan could be adopted for cutting off the sewers which now emptied themselves into the Thames, the supply of water from the river might be considered pure enough to meet the wants of the inhabitants; but he apprehended, that that, even if it could be done at all, would be accomplished only at a vast expense. Upon the whole, it appeared to him that the only chance of obtaining a wholesome and proper supply of water would be from some of the springs which take their rise to the northward of the metropolis. The noble Marquess concluded by moving for the appointment of "a Select Committee, to take into consideration the present state of railroads, in regard especially to the means of security against unforeseen dangers: also to take into consideration the present supply of water to the metropolis, and the state of the sewers."

The Marquess of *Lansdowne*, understanding that the noble Marquess did not intend to pledge himself or the House to any remedial measures that might be suggested, either with regard to the dangers of railway travelling, or to the inconveniences resulting from the nature of the supply of water to the metropolis, thought that if the inquiry now proposed were not attended by any positive advantage—of which he owned he did not see any very great probability—it certainly could not be accompanied by any possible disadvantage; and, for that reason, he should not feel it necessary to oppose it. It was almost impossible that some accidents should not take place on railroads. From the variety of soils, from the variety of surfaces on which they were built, from the prominent and overhanging cliffs of ground by which they passed, and from a variety of other circumstances, accidents, and some of an awful character, were almost sure to occur. It was the duty of the Legislature, however, that they should interfere as little as possible with the public safety. It was their object to diminish and guard against the danger, and he had no doubt, that the committee would recommend the best course to be adopted for the accomplishment of such a purpose. As to the other subject, the supply of water to the metropolis, which was not directly or necessarily connected with the former, the same committee would, no doubt, be enabled justly to consider it and advise the best course for adoption, if the two topics were kept perfectly distinct. The supply of water was, unquestionably, a subject which, with the former, deserved the constant attention and observation of the Legislature. There were few people who did not feel the comforts of good water, and who, consequently, were interested in the question. As to the monopoly of the water companies, though it might be said, that such monopoly existed with their own consent and approbation, and though they had thus tied up, as it were, their own hands, yet certainly the subject required looking into. This was also, therefore, a proper subject for the investigation of a committee. If the question as to sewers were introduced into the same committee it would lead to great discussion, but it was for his noble Friend to decide how far that subject should be introduced.

The Earl of *Aberdeen* thought that the noble Marquess had completely failed to establish any kind of connection between the three several subjects to which he proposed to call the attention of a committee. And, in addition to that, he must say, that he did not think that the noble Marquess had made out any sort of ground for the first part of his inquiry, namely, the discovery of some kind of security against unforeseen dangers upon railways. He hardly knew how such an inquiry was to be entered upon. The noble Marquess himself admitted that none of the kind of accidents that he contemplated had as yet occurred. With what advantage, then, could their Lordships enter upon an inquiry as to the probable means of meeting a probable evil? He apprehended that the only result of their embarking upon such an inquiry would be to excite a groundless alarm in the public mind as to the security of this particular mode of conveyance. In the second part of the inquiry proposed by the noble Marquess, namely, the supply of water to the metropolis, he (the Earl of Aberdeen) should not offer any objection, feeling that it was one of great interest and importance; but, at the same time, he could not help observing that the noble Marquess had stated nothing very definite in support of his proposition, even upon that point.

The Marquess of *Westminster* explained, that with regard to railways, his object was to ascertain whether it would not be possible to introduce some kind of machinery which should prevent the possibility of such accidents as he dreaded upon high embankments.

The Earl of *Aberdeen* observed, that, for their Lordships to go into committee to speculate as to the possibility of inventing a machine to prevent a danger that had never yet occurred, appeared to him to be a most useless occupation of their Lordships' time. He certainly thought that a matter of this kind had much better be left to the ingenuity and interest of the parties concerned.

The Earl of *Essex* observed, that, however advantageous the supply of good and pure water to the metropolis might be, still it should be considered that the sinking of Artesian wells upon a large scale was likely to be accompanied with great detriment to those who lived in the neighbourhood of them, by drying up all the inferior springs. He knew that great apprehensions were entertained upon that source at Watford.

The Earl of *Haddington* said, that it would be better to divide the subjects; to appoint a committee to consider of the supply of water; and to leave the subject of railways alone till some specific plan could be suggested for guarding against the accidents to which the noble Marquess referred.

The Duke of *Richmond* hoped that the noble Marquess would withdraw that part of his motion which related to railways. The inquiry upon that head could not possibly be attended by any good, whilst it would certainly have the effect of putting the country to a very great expense. If it were possible to invent a machine to prevent accidents upon railways, the parties interested, the engineers, directors, and others whose attention was constantly directed to the subject, were much more likely to discover it than a committee of their Lordships' House.

Lord *Redesdale* thought that there was also some objection to the second part of the noble Marquess's motion; because, from the way in which the noble Marquess had put it, it would appear, that the object of the motion was to allow certain companies to put forward their plans at the expense of the public. This would be attended by a double injustice. Suppose, for instance, that their Lordships' Committee should report in favour of the supply of water from Watford, and a bill were to be introduced for that purpose, would not this place the inhabitants of Watford under a very great difficulty, if it should be their interest to oppose such a measure?

Lord *Ashburton* objected to this strange union of subjects — railways, supply of water, and sewers, all of them, no doubt, of very considerable importance, but having, as it appeared to him, no sort of connection with each other.

The Marquess of *Westminster*, yielding to what appeared to be the general sense of the House, consented to confine his motion solely to the supply of water, and a Select Committee to take into consideration the supply of water to the metropolis was appointed.

HOUSE OF COMMONS,

Thursday, *February* 13, 1840.

MINUTES.] Bills. Read a first time:—Parliamentary Burghs (Scotland). — Read a second time:—Colonial Passengers.

Petitions presented. By Mr. Grey, from Manchester, and Mr. V. Smith, from Northampton, for the Release of John Thorogood, and the Abolition of Church Rates.—By Colonel Butler, Mr. Pigot, and Mr. O'Connell, from a number of places, for Municipal Reform, and an Extension of the Franchise in Ireland.—By Mr. R. Palmer, and Lord Eastnor, from several places, for Church Extension.—By Mr. Villiers, from Manchester, and Perth, for the Repeal of the Corn-laws.—By Mr. T. Duncombe, from a number of Persons, for a Free Pardon to Frost, Williams, and Jones.—By Mr. Erle, from the City of Oxford, for the Liberation of the Sheriffs.—By Sir G. Sinclair, Messrs. Macauley, Colquhoun, Copeland, and Colonel Wood, from a number of places, against the Intrusion of Ministers into Parishes.

POST-OFFICE—DISCUSSIONS ON PETITIONS.] Mr. *Wallace* said, that he had on many occasions presented petitions complaining of the conduct of the Post-office, but he had never presented such a petition as the present: it was from the parish of Burdon, in the county of Roxburgh, stating that there were in the parish 1,000 inhabitants, and that there was no post-office in the village or parish; they had asked to be allowed to maintain one at their own expense, but they were refused. As the statements in the petition might possibly be met by the Postmaster-general, he would move that it be printed, and give notice that he should move to have it taken into consideration on the 27th of this month.

Sir *George Sinclair* thought that the petition ought to be referred to the Post-office or to the Committee, and he should therefore oppose the motion for printing it.

Mr. *Wallace* was glad that an opposition had been raised to his motion, because he had now a right to make some observations. Members were debarred from speaking on the presentation of petitions; they could only mention very briefly the contents; and he was sure that the people out of doors were very much dissatisfied with the arrangement, and regretted the prevention of speaking upon petitions. He should not, therefore, be sorry if, on a division, his motion should be lost, because it would show the people how anxious the Gentlemen who sat on the opposite side of the House were to prevent the petitions of the people from being heard. He should certainly take a division on his motion.

Mr. *Shaw* said, that the hon. Member had himself furnished the best proof why his petition ought not to be printed, for he did not deny that his object was to evade the order of the House by having it printed, to come by a round about way to a discussion on a petition. The intention of the House, in permitting a petition to be printed, was, that a motion might be founded on it, not that a discussion should be raised. He denied that it was the object of Gentlemen on the opposition side of the House to prevent the petitions of the people from being heard. They wished that the petitions should be heard, but they were anxious also to comply with the rules and orders of the House.

Sir *G. Sinclair* did not intend to take the sense of the House upon the present occasion, but he must say that if such petitions as that presented by the hon. Member were printed, it would become necessary to print almost every petition.

Petition to be printed.

DISCHARGE OF THE SHERIFFS.] Sir *E. B. Sugden* wished to ask a question of the noble Lord the Secretary for the Colonies, upon the subject of the discharge of Mr. Sheriff Evans. On the 21st January this House came to a resolution that the sheriff be ordered to refund the amount of 640*l.*, levied by the sale of the property of Messrs. Hansard, to the said Messrs. Hansard. In consequence of the illness of one of the two persons, who constituted the sheriff of Middlesex, he had been discharged out of custody—a course in which he entirely concurred. He begged now to ask, whether it was the intention of the noble Lord to keep the other sheriff in custody, for the whole sum directed to be paid by the two persons, upon whom the order had been made?

Lord *John Russell* said, that as he understood the case, there was one sheriff of Middlesex, but two sheriffs of London, and the House committed the two latter persons, they forming or constituting the former officer. The House had since agreed that one of those persons should be released on the statement that his further confinement would endanger his life. He did not conceive that, under those circumstances, the resolution of the House was at all altered, and he still thought that these persons were bound by it.

Subject dropped.

TRADE WITH CHINA.] Mr. *G. Palmer* requested an answer to the question which he had yesterday put to the right hon. Gentleman, the President of the Board of Trade, with respect to the reception of British vessels in the ports of China. When he put that question, he was not aware of the intelligence which had arrived. He desired to know, also, whether that were true or not?

Mr. *Labouchere* said, that the effect of the question was, that clearances would be granted at the custom-house for ships bound for China. His answer was, that no directions had been given to the Custom-house authorities to refuse such clearances. But that answer was not given without stating that in granting those clearances the Government assumed no responsibility as to the regulations which might be made by the Chinese Government, or the changes which might take place in our political relations with that country. As to the report to which the hon. Gentleman had alluded, it was matter of notoriety, and had appeared in all the newspapers. The Government, however, could not express any opinion, or incur any responsibility, as to what might be the state of things when vessels going out should arrive in China.

Mr. *Hume* said, that it appeared to him very essential to the commerce of the country that merchants should be informed what had been the nature of the instructions sent out by the Government.

Lord *John Russell* said, that Government could not enter into any explanation on a subject of the kind without some notice.

Subject dropped.

French Commercial Treaty.] Mr. *Parker* wished to ask the right hon. the President of the Board of Trade whether the commercial treaty between France and this country had already been concluded and if so, in what time it would be in the power of the Government to lay the conditions of it before the House.

Mr. *Labouchere* did not wish to go into any explanation on the subject, as the treaty had not yet been concluded. He should only say, that the Government had been engaged in negotiations with the French Government, with the desire to promote upon fair and honourable terms, the commercial intercourse between both countries. When the treaty should be concluded, there would be no delay in laying it before the House.

Subject dropped.

Navy and Army Commission.] Lord G. *Lennox* rose, pursuant to notice, to bring forward his motion for the production of the report of the Commissioners appointed to inquire into the state of the Navy, Army, and Marines. It would not be necessary for him to occupy the attention of the House for any great length of time, because he expected that some member of the naval and military commission would rise in his place and give the House some satisfactory reason for the delay in the production of their report. It was now two years since the commission was appointed, and it was surely time the House should be put in possession of the cause of the delay in laying the report on the Table. There were at present many vacancies in the corps of marines which could not be filled up until the report was made. As the commission had been issued two years ago, it was time that the report should be ready. The noble Lord the Secretary of State, in the middle of last Session, said, in answer to some inquiries, that the report was ready, but that it could not then be printed owing to the lateness of the Session. He (Lord George Lennox) had been lately informed, that the commission had not sat since January 1839. Since that commission had been appointed by the authority of the House it was the duty of the Government to see that that commission had been fully performed, and they were bound to carry into execution the wishes of the House. There were many circumstances, but one especially, to which he wished to call the attention of the commissioners and of the Board of Admiralty. Riots had taken place in Monmouth where a small body of troops saved the town from destruction. He was rejoiced at the promotion of Lieutenant, now Captain Grey, who commanded that little body, for his conduct upon that occasion, and he believed that everybody considered that gallant officer was eminently entitled to the honours conferred upon him—but had he been an officer of marines, and had he performed services similarly signal, he would have received no such promotion—and he would give a proof in point. Lieutenant Parke, of the marines, commanded at Toronto, in Canada, a small body of troops, consisting of fifty men, which had been attacked by the rebels. Owing to the gallantry of Lieutenant Parke and his fifty marines the rebels were repulsed; twenty of the marines were either killed or severely wounded, and among them were Lieutenant Parke himself. Sir John Colborne did all he could in his power for the gallant officer, and conferred upon him the brevet rank of captain, which he could only continue to hold while in Canada. The Admiralty wished to continue the appointment, but the Horse Guards disallowed it. There could be no doubt but that a subaltern officer of marines was equally entitled to honour and promotion for faithful and efficient duty as any subaltern of the line,—but it unfortunately happened, that the subaltern of marines was the only officer in the service who could not be rewarded by promotion. It was his earnest hope and wish that some Members of the Government would give a satisfactory account as to the time when the report would be laid upon the Table. By doing so they would relieve the minds of many a gallant and suffering officer from the greatest anxiety. He would detain the House no longer, but conclude by moving, "That there be laid before this House the names of the military and naval commissions, and the date of the appointment of that commission: also a return, stating the days upon which they have assembled, and the number of commissioners who attended on each day," appending the words, "and the names of the commissioners who sat each day upon the commission."

Captain *Pechell* seconded the motion, and bore testimony to the anxiety of the officers in his own profession as well as in that of the army. It was necessary for the country as well as for the officers themselves to know why that report had not before been laid upon the Table of the House, and it was stated in his hearing, that the reason why a brevet had not appeared in the *Gazette* on the recent auspicious occasion, the marriage of her Majesty, was, that the report had not been made by the commissioners.

Lord *John Russell.*—There was no such intention.

Sir *H. Vivian* requested the noble Lord not to persevere in his motion. For himself he could safely say, that, from the first moment he had been nominated to the commission, and he could say the same for all his colleagues, there never was a duty imposed upon a body of men more anxiously performed than that duty had been performed by himself and these colleagues. All the members of the commission had attended most sedulously to these duties with the exception of two individuals, whose official employment in the Government prevented their attendance, and with the exception also of two gallant officers, the companions in arms of the immortal Nelson. These were the only exceptions. The noble Duke who sat upon that commission from the very first day of his appointment was always present in his place—and was ever ready to give the commissioners the advantage of his great talents and experience. The appendage moved for by the noble Lord, viz., the return of the names of the commissioners who sat day by day upon the commission he deemed unnecessary, and he hoped that the noble Lord would not press it. The course of proceeding pursued by the commissioners he would briefly state. It was true that the commission had been appointed two years ago; the commissioners met from week to week, and as frequently as they could; but from the nature of their inquiries there was a necessity of adjourning from week to week, because it was their duty to enter minutely into every question which came before them. They gave directions to have returns from every regiment in the service, and for that reason they could not meet from day to day—they were obliged frequently to meet from week to week. They afterwards entered into the consideration of every department of the service—the army, the navy, the marines, the commissariat, and the medical departments. To each of these the commissioners applied their attention regularly, and after due inquiry, they came to a resolution to frame separate reports on the individual points submitted to their consideration, and to submit their separate reports to officers of knowledge and experience, each in the respective department on which the report was made, so that before the general report should be completed, the branch departments of the general report would be revised by officers in the different departments of the service. When one of their branch reports were made, and the proper evidence obtained, it was forwarded to the noble Duke who sat upon the commission. Some delay had been occasioned by the reprinting of the report; because when it was first printed the names of the commissioners were appended to the report, which was found inconvenient, and for that reason a reprint was deemed necessary, and delay was occasioned Before any general conclusion was arrived at by the commissioners, it was found necessary that every officer who belonged to the commission should have an opportunity of entering minutely into each branch with which he was connected. The evidence with respect to the army, navy, and marine department was complete, and the report upon those branches was ready to be produced; but the reports upon the commissariat and medical departments were as yet incomplete. When the evidence upon those branches was complete ,the commissioners would meet, and then come to a decision upon the general report. That was the reason of the delay from June last to January. The commission could not proceed hastily to decide to a question of such importance. When that report was produced, he did not entertain a doubt but that the House would do them the justice to say that they had taken a great deal of trouble and performed their duties with the greatest anxiety. Whether the House would adopt the advice of the commissioners would be another question.

Captain *Pechell* begged the House and the right hon. Gentleman to understand that neither himself nor the noble Lord who introduced the motion intended to offer the slightest reflection upon the Members composing that commission. There was no doubt but that they acted with the greatest anxiety and industry.

Sir *H. Hardinge* concurred with the gallant Officer who had last spoken, that there had not been any intention on his part or on that of his noble Friend, to cast the slightest censure upon the commissioners. As a Member of that commission, he (Sir H. Hardinge) assured the House that he had not neglected his duty. A portion of the commission consisted of Cabinet Ministers, who could not give the subject all the attention which it demanded, being compelled to attend Cabinet meetings. How then could the commissioners proceed? Hon. Gentlemen opposite could not attend, and there was a difficulty in constant attendance of the Members composing that commission. In the observations made by the Master-General of the Ordnance, an allusion had been made to the Duke of Wellington. He knew that a portion of the report had been forwarded to Walmer Castle, to the noble Duke by post; and on the following day that report was returned, having received the revision of the noble Duke. That was a proof that there was no want of expedition. Another portion of the report had been forwarded to the noble Duke by post to Strathfieldsaye, and it was returned in a similar way. He (Sir H. Hardinge) said, that every Member of the commission had done his duty, and among them he enumerated those who were Cabinet Ministers. It had been stated, that there had been no intention on the part of the Government to grant a brevet on the late auspicious occasion. He hoped that, as her Majesty's birthday was not far distant, a brevet would then be issued.

Lord *G. Lennox* consented to withdraw the motion, being unwilling to divide the House upon the question. It was not his wish to disparage any Member of the commission. He had served with many of the commissioners and under the noble Duke, and he would sooner sacrifice his life than utter a disrespectful expression respecting any Member of the commission. His object in bringing forward the motion was to obtain all the information he could upon the subject, and he deemed that course the more eligible than asking a solitary question. On a former occasion, he had asked the noble Lord the present Secretary for the Colonies, when it was likely that the report would be presented to the House, and that noble Lord replied that "he did not know and could not say." A similar question had been put to the President of the Board of Trade, and that right hon. Gentleman gave a similar reply, "that he did not know and could not say.

Motion withdrawn.

Public Finances.] Mr. *Herries* rose, in pursuance of the notice he had given to move for—

"Account of the income of the consolidated fund, including therewith the duties on sugar, and of the charges thereupon, in the year 1839; distinguished under the principal heads of receipt and expenditure; and also an estimate of the same for the year 1840; showing in each case the surplus applicable to the supplies voted by Parliament. Account showing the amount of the deficiency bills charged on the growing produce of the consolidated fund outstanding, unsatisfied on the 14th day of February, 1839, and the 14th day of February, 1840, respectively. Account showing the surplus or deficiency of the net income of the United Kingdom, compared with the expenditure thereof (exclusive of the charge for a fixed sinking fund, while such was imposed by law), in each of the five years preceding the 5th day of January, 1831, and also in each of the five years preceding the 5th day of January, 1840. Account showing the total amount of the funded or unfunded debt created, and also of the funded or unfunded debt extinguished, in each of the three years preceding the 5th day of January, 1840, distinguishing the stock created in lieu of Exchequer-bills cancelled, being the produce of monies invested by savings-banks. Account of the total amount of the unfunded debt outstanding on the 5th day of January, the 5th day of April, the 5th day of July, and the 10th day of October, in each of the years 1837, 1838, and 1839, stating the rate of interest on Exchequer-bills issued at or about the same periods, the current rates of premium or discount on the same in the public market, and the prices of the Three per Cent. Consolidated Annuities. Account of the total net income and expenditure of the United Kingdom, in each of the twelve years between the 5th day of January, 1828, and the 5th day of January 1840, in continuation of the account annexed to the fourth report of the committee on finance in 1828, wherein the same is exhibited from the year 1792."

The right hon. Gentleman said he regretted, that he should be under the necessity of trespassing upon the patience of the House for some time, but he promised to be as brief as he possibly could, consistently with the nature and importance of the subject he was about to introduce to their attention. He was sorry, indeed, that he should be called upon to make any statement on this occasion, for he had hoped, that considering the circumstances under which he called for the information described in the motion, the right hon. Gentleman opposite (the Chancellor of the Exchequer), would have spared him and the House the trouble of a lengthened address upon the subject, and of any exposition of the state of the public finances. It was only because he understood, that his motion would be opposed, that he felt it indispensably necessary to trouble the House on this occasion. In the first place, he would request the attention of hon. Members to the general scope of his motion, and to the general nature of the papers which were comprised in it; and he did this for the purpose of clearing his way, and of enabling him more effectually to fulfil the promise which he had made with regard to brevity. Of all the papers mentioned in his motion, only one was contested, and indeed only a part of that one. With respect to all the rest, he thought it his duty to state, that he did not move for them without the intention of making use of them hereafter. Those papers, undoubtedly, had a tendency to call in question the conduct of the Government as to their financial arrangements; but the questions which might arise on them might, with the greatest convenience to the House, and without any immediate disadvantage, be postponed to a future occasion. He should merely notice one of them at that moment —namely, that which related to the management of the unfunded debt, and which would enable the House hereafter to judge whether or not the right hon. Gentleman opposite, and the noble who had preceded him, had conducted that most important branch of public money to the general advantage. He thought, that he should be able to show by that document, most satisfactorily to the House and the country, that there had been in that department of the public Administration, a great degree of mismanagement. He understood, that no opposition was to be made to any of the other papers. The paper to which an objection was to be made, and upon which the House would most probably be called upon to declare "ay" or "no" whether it should be produced or not, was that relating to the income of the consolidated fund for 1840, as stated in the first paragraph of the motion. The object of asking for that estimate, was to arrive at a knowledge of the pecuniary resources of the country for the present year. It was to that paper that all his arguments would now be addressed. He had thus particularly adverted to what he did require, in order to guard against any mis-statements, and again being understood to ask for that which he did not require. He did not call upon the Chancellor of the Exchequer at the present period of the Session, and before what the right hon. Gentleman would term his "financial year" had expired, to state the whole of his prospective arrangements with respect to the supplies and the ways and means of the year. It might be presumed, that he considered it too early to call for that statement; and his motion did not ask for it, but only required, that the House should have before it forthwith, or at least at the earliest opportunity, a correct view of the income of the country in the present year. It was fair to state, that the accounts of the past year had been laid before the House; and he would endeavour to satisfy the House that what he now asked for, and what the Chancellor of the Exchequer refused, ought to be insisted on, if the House meant to discharge its duty to the country. He might be told, that it was not usual or customary to call for such statements as this; and that it was at least wrong to ask for it at the present period of the Session. Why, if the present state of things was the usual and customary state, if the financial affairs of the country were in their ordinary condition, if there was nothing peculiar and unprecedented in the state of financial matters, he might perhaps on the present occasion, as in former years, forbear, and act like other Gentlemen who sat on the same side of the House with him, who had exercised a great forbearance in not asking for information on the subject. A very good return had been made for that forbearance. Those to whom it had been shown had greatly abused it; they had resisted every attempt at inquiry. There had been a systematic determination to avoid inquiry; and year after year they had pushed the financial question from the early to the very latest part of the Session, to July or August, and then only bringing it forward after repeated solicitation and remonstrance. He asked the House if that was not true? And he asked the House too, in what light the country must view this matter, and how they would answer it to their constituents, if that practice were to be continued through such an unexampled Session as this? Was there nothing peculiar at present in the financial affairs of the country? He was determined to avoid as much as possible, and he thought he should almost wholly succeed, resting his case on technical financial propositions. His motion was founded on broad, simple, and intelligible principles, requiring nothing but clear straightforward argument to support it, and no figures to enforce it. But he must refer to what took place on a former evening, when the hon. Member for Kilkenny cast a reproach on the Gentlemen who sat on the Opposition benches for not supporting him in his endeavour to press the Government on the subject of finances. The reproach was offered in good part, and received without any display of unkindness. But if the Opposition were called upon to excuse themselves to the House and the country for their forbearance, it might be right for him to mention one of the motives which had influenced him, and which he knew had influenced those with whom he had the honour to act, in refraining from pressing the Government on questions touching the financial condition of the country. During the last two years—and he might go further back than that—it was well known to all whom he was addressing that the monied interests of this country were in a most critical condition, and that the mercantile classes were labouring under the greatest anxiety and solicitude, pending alarms and dangers, which, Heaven be praised, were not fully realized. Under those circumstances, it was desirable not to agitate the subject. It appeared to (the Opposition) that it was not then the time to press the Chancellor of the Exchequer to make statements or disclosures, the effect of which might be mischievous elsewhere, with relation to the state of the revenue. But was that the case at present? Were they still under apprehension and alarm that distrust might be excited by anything that might fall from hon. Gentlemen on that side of the House? All fear on that ground had been put an end to by declarations which had proceeded from the highest authority. Nothing, that he could state or unfold, could exhibit to the world the miserable condition of the public finances with half the effect which was produced by the announcement of the noble Lord who was at the head of her Majesty's Government, and the noble Lord opposite (Lord J. Russell). They were persons who might be deemed able to judge in the matter, and they had thought fit to make those statements frankly, and fully, and without reserve; so that the House and the country were now in possession of the fact of the state of the public finances. As those statements must have more effect than any he could make, he would read them to the House in the very words of those who had made them, with this remark, that they formed the very essence and ground of his motion. On an occasion when certain inquiries and observations were made elsewhere, and which might now be undoubtedly referred to as matters of notoriety, certain statements were made by the first Minister of the Crown, and the first Minister of that department which was peculiarly the subject of examination, they being the persons the most competent within these realms, from their situation and knowledge, to form an opinion on the matter, and to publish it to the world. To those statements he would now call the attention of the House. On the 23rd day of January, in the present year, Lord Melbourne, in answer to some observations which had been made by the Earl of Ripon, said—

"The noble Lord had called public attention to what he rightly held to be a subject of the most pre-eminent importance. He should always concur in that opinion. He could not but express his entire concurrence in all that had been stated by his noble Friend, and in almost all the facts that he had stated. He entirely agreed with him in the approbation which he had expressed of the sinking fund—and that was very material indeed—as it was in the administration of the noble Duke, and he entirely agreed with him in the extremely disagreeable state of the financial affairs. That was fair, and frank, and true. He admitted to his noble Friend, that a deficiency continuing year after year, growing and increasing, was a state of things which could not be permitted to go on, and it was a financial state of the country which it was necessary to look boldly in the face, and to take such measures as were necessary for avoiding of the evil and doing away of the danger. Nothing could be more proper than that. He was afraid it must be admitted, that not being able to look into futurity, and looking at the state of affairs adverted to by his noble Friend, there could be no material diminution of expense upon any of the points to which he had alluded. He did not fairly see any probability of any government being able greatly to diminish the expense of the military or naval force."

That last observation was one of great importance. He trusted that at a time when the safety of the country required the public establishments to be kept up, a diminution in any of them would not be amongst the expedients which the right hon. Gentleman would resort to in order to relieve the public finances. The statements of the noble Lord at the head of her Majesty's Government were most explicit, and nothing remained but to find a remedy for the evil. But those statements had received confirmation from a quarter which was entitled to the greatest attention—from a noble person second in importance to the Prime Minister. The noble Lord, the leader in that House, with equal candour and fairness, on a recent occasion informed the House that he feared the necessities of the country were such as would require the imposition of increased burdens. This was the noble Lord's language:—

> "He feared the necessities of the country were such as would require increased burdens: that the finances were so much impaired, that the public service could not be carried on without augmented means."

The finances of the country now presented such an aspect, and things had now arrived at such a pass, that it became the imperative duty of a faithful House of Commons to look the affairs of the nation in the face, and this he conceived to be a duty especially binding upon that House, at a moment when their financial affairs were in a state, which he did not scruple to designate as most dangerous. The duty which the House would have to perform was one of an extremely painful nature, and the painfulness of that duty was in no slight degree increased by the reflection, that we were now in the twenty-sixth year of peace. He called upon the House to address themselves to this question with the best meaning; he did so under a strong sense of duty, and influenced mainly by the feeling that the public safety was paramount to all other considerations. He apprehended that his motion might be objected to on the ground that it was unusual; he admitted that it was unusual, but had he not stated circumstances enough, peculiar to the present occasion, to render the case, which he had made out, more than commensurate with any want of precedents? He found that Chancellors of the Exchequer, in former times, had not withheld from the House the information which he now sought from the right hon. Gentleman on the Treasury bench. In Lord Ripon's time, when that noble Lord filled that office during the first three years of his chancellorship, a period in which he (Mr. Herries) had an humble share in the duties of that department, the practice was to lay before the House very early in the month of February, a statement of the income and expenditure, and an estimate of the probable income and expenditure of the current year. Lord Althorp followed that example, and during the first year that he filled that office, so early as the 11th of February—within two days of the time at which he then spoke—that noble Lord was accustomed to lay information of this description before the representatives of the people. It was the practice of that noble Lord, quite as early in the year as the present day, to present to the House a statement and estimate of the ordinary finances of the year, and that, too, in a printed form. It might be said, that those were statements made merely in the House during discussions, but not laid upon the table in consequence of any order of the House. He apprehended, however, that that distinction was altogether immaterial, and afforded no just grounds for refusing the information which he sought. In fact, the very last Chancellor of the Exchequer made a statement of the kind to which he was referring. That right hon. Gentleman, now Lord Monteagle, made a financial statement in the month of July, and subsequently opened a little budget much to the surprise of those who heard him in the month of August following. The statement upon which his speeches were founded had been printed, and did include information of the nature now demanded, though it came at a somewhat later period of the year; that was a satisfactory paper in manner, notwithstanding that its contents were anything but satisfactory. That statement was accompanied by an estimate of the probable income and expenditure to the then end of the revenue year—namely, to the 5th of January next following. Now he desired no more than to have the same thing for the year 1840. He had not overlooked the possible observation that he made this demand at a much earlier period of the year, than that at which the last Chancellor of the Exchequer furnished his statement; but let it be recollected that he asked it only to the end of the revenue year, he did not require it from the 5th of April to the 5th of April, the full financial year, but merely required a few months earlier than last year, that which had been given in many preceding sessions so early as the month of February, and which he conceived to be, in the present circumstances of the country, a matter of the utmost urgency and importance. He begged hon. Gentlemen on the other side to recollect that he did not ask the Chancellor of the Exchequer for any statement of the new taxes which he intended to propose—he called for no disclosure of the extraordinary resources, by means of which he hoped to be able to carry the country through its present financial difficulties—he did not ask the right hon. Gentleman to publish to the House, or to the country, an account of the Exchequer bills which he meant to pay off, or those which he intended to issue; but under the existing circumstances of the nation he demanded—during the present well-founded distrust and alarm—that the House of Commons should be furnished with that which alone could form the only sound basis of financial operations—namely, the best view which, at the present moment, it was in the power of the Government to supply, of the circumstances in which the country stood with reference to its finances. Was it too much to ask that light should be let in upon a state of things respecting which the public were as yet ignorant and uninformed, but at the same time most anxious for all the knowledge that could be obtained, and certainly entitled to all that might be communicated without injury to her Majesty's service? The House of Commons ought not to be called to wait for any future, and, perhaps, distant time. It was impossible that they now could wait without being guilty of a gross breach of the trust reposed in them by their constituents. The conditions and prospects of the country were such as to render the information which he sought of immense importance. There existed with reference to it extreme solicitude in the public mind. There was no society into which he went that he did not hear inquiries made, surmises hazarded, and a universal anxiety manifested; there was no person with whom he conversed that did not appear full of apprehension as to the prospects of the country—he need hardly suggest that our interests at home and abroad would be in the highest degree affected by the state of our finances. If there were no other ground of alarm, it might be found in the admission of that highest authority in the country, the first Minister of the Crown, who promulgated the alarming fact that he was himself as much aware as any man could be of the embarrassments of our financial condition. Abroad and at home it was a state of things which must be productive of the most deplorable results. In the midst of such embarrassments, how could any government hope to maintain tranquillity at home or respect abroad—how could they hope to keep the Chartists quiet—how prevent the encroachment of foreign powers, unless they could show that they possessed the means of maintaining establishments adequate to the exigencies of the state? He presumed that it would be needless for him further to enlarge upon the deep interest which every man in the country felt, and, of necessity, must feel, in the present state of affairs. He should observe that it was most material, in the first place, to ascertain the extent of the evil before they were called upon to adopt any measures for its correction; and, for this purpose, the House ought to be, at the earliest possible moment, put in possession, as far as it was possible to do so, of all the knowledge which the Government had of its own resources, and of the extent to which it was likely those resources would be drawn upon; always, of course, confining the communication to such matters as might be made known without detriment to the public service. An alarming deficiency was apprehended; it therefore became the duty of the House of Commons to consider the means which were to be proposed for making due provision for that deficiency, and not be called upon some months hence to do, in haste, and without investigation, that which above all things required caution and deliberation. It would be felt that, standing as he did at that side of the House, and, therefore, having no access to official documents, it was not for him to present either an estimate of the resources of the year, or a financial statement; but he might set forth some additional reasons why the information for which he moved ought not to be refused. He should not enter into minute details;

he should merely submit to the House a few statements in round numbers, which might perhaps bring to the minds of hon. Members the position in which the country was placed, and which, he agreed with the first Minister of the Crown, was "a most disagreeable" condition of the public finances. He intended merely to call their attention to the occurrences of the last three years, and he confined his observations to the period from January to January, and not from April to April. Taking, then, the financial accounts from January to January, and looking back to the returns of the statement for 1837, he found that there was a deficiency on the produce of the revenue to meet the expenditure to the amount of 726,000*l.* He found that in 1838 there was a further deficiency of the same kind, which amounted to 440,000*l.*; thus making together the sum of 1,166,000*l.*, as the amount of the deficiency which existed at the close of 1838. In the year 1839 it appeared, from the accounts recently laid on the Table of the House, there was a further deficiency, which amounted to no less a sum than 1,512,000*l.*, making altogether a deficiency at the end of the year 1839 of the large sum of 2,678,000*l.* Under these circumstances, was he not justified in asking and pressing for an account of what was likely to be the amount of deficiency arising during the present year. When they looked to the present state of affairs, was not every one most anxious to know from the best authority what were the financial expectations for the year 1840? In addition also to the deficiency which he had stated, it was likely to be increased in consequence of the additional charge of some of the great establishments of the country. He was bound to make the best estimates that he could from the returns on the Table of the House; and from the extent of information furnished to them in these documents, he was enabled to form what he believed to be a tolerably correct estimate on the subject. Taking, then, merely one of the great charges of expenditure, he found that in the navy estimates for the present year there was an increased charge for that branch of the service amounting to 500,000*l.* He would ask whether it was not reasonable to expect that when a deficiency in the revenue of the country to the amount of 1,500,000*l.* was allowed to occur in the year 1839, that unless means were taken to prevent the deficiency it would to the same extent occur again? He wished that it might not be the case, but he feared that there was nothing in the state of affairs at present that would justify him in supposing that there would not be a deficiency to a similar extent in the present year. Under these circumstances he felt himself justified in assuming that a deficiency to this amount would also occur in 1840. But in addition to the deficiency of 1,500,000*l.* which arose in 1839, there was an additional charge on the revenue of the country for the present year for the augmentation in the navy, and therefore the sum of 500,000*l.* must be added to the former amount, which would make the deficiency for the present year amount to the sum of 2,000,000*l.* Thus, supposing that there was no reason to expect any further increased charge, or any other further deficiency, the amount at the end of the year 1840 would be found to be 4,678,000*l.* He wished that this was all, but this, he feared, was not the extent of the difficulty which they would have to encounter. He was not about to enter into a calculation as to any pecuniary expenses which were incurred last year, and which might or might not be incurred this year. He was bound to state his views on the subject to the extent of the information before him, because he was called upon to go into the subject, and make a statement in consequence of the opposition made to this motion for returns by the right hon. Gentleman. But he had hitherto made no mention of another probable cause of deficiency in the revenue, which unquestionably was of great importance, and to which the Government had exposed the public revenue in the present year; he had not yet said one word respecting the great question of the revenue of the Post-office. Whatever deficiency occurred from this source of revenue must be added to the amount which he had already stated, and he ventured, to the best of his judgment, from the papers on the Table, to form an estimate of what this would probably be, and he trusted that the right hon. Gentleman would correct him if he was wrong; but he thought that he was justified in saying, and he was to some extent acquainted with the Post-office, that there would be a loss of revenue of from 1,200,000*l.* to 1,400,000*l.*, by the change in the system of postage. All the information that had been furnished by the authorities of the Post-office justified this estimate. He had estimated the loss at from 1,200,000*l.* to 1,400,000*l.*, and this he had been informed, by persons very familiar with the subject, was a moderate estimate of the loss; and, for his own part, he had no doubt but that he should be able to justify this estimate. If, then, they took the smaller sum, and added 1,200,000*l.* for the deficiency in the revenue of the Post-office for the year, they would have a deficiency at the close of 1840 amounting to very nearly six millions. Was this a state of things under which the House should remain quiet? Was this a state of things which the House should pass by with feelings of satisfaction, and allow the right hon. Gentleman at his time and at his pleasure to state how he meant to deal with this increasing deficiency in the revenue. He could not believe, that the House would consent to anything of the kind, and he entertained the strongest conviction that when he put the motion into the hands of the Speaker, and when the question was put "aye," or "no," that the "ayes" would have it. The subject of the Post office he felt that it was impossible to pass over without some observations on the extraordinary conduct of the Government with respect to that question. It was a proceeding which operated to produce an increase of the evil complained of —it was an aggravation of a most wanton kind of a state of things which it was their duty to change as soon as possible. At the commencement of the year 1840, and with a knowledge of the financial difficulties which then existed, and with the increased expenditure which was likely to arise—with all this knowledge the Government chose to introduce this system. No Government ever before introduced and carried into effect a plan of the kind, under such extraordinary circumstances, and in the embarrassed state of the finances. And this was done, not from any conviction of the soundness of the policy of the proceeding, but merely in consequence of the momentary circumstances in which they were placed. He said this with confidence when he recollected the opinions which had been expressed on the subject, both here and in another place, by members of the Government, and which showed him, that great doubts were entertained as to the success of the plan. Lord Melbourne, who introduced the bill into the House of Lords last year, among other things said,

> "For the last year, and, indeed, for the last two years, the income of the country had not been equal to its expenditure; and this had not arisen from any falling off in the revenue, but was owing to the great increase that had arisen in the public expenditure. He might be asked, then, in the present state of the revenue, with a tendency to the increase of the expenditure, how he could venture to tamper with so large a sum as that derivable from the Post-office revenue."

This was a most natural question, and it was answered in a most extraordinary manner. The noble Lord proceeded.

> "He certainly felt the force of the objection, and his answer to this was, that in the first place, the very general feeling and general concurrence of all parties in favour of the plan, and there was such a general demand from all classes of the community for a measure of this nature, that it was a very difficult matter to withstand it."

This, then, was all the apology that they had from the prime minister of the Crown for aggravating the financial difficulties to the amount of 1,400,000*l.* a year, and when he knew the extent of the deficiency that already existed. He did this because he "found it a difficult matter to withstand," and where did he find the difficulty? Not in Parliament. Would he have found the difficulty in withstanding Parliament on the subject? He knew that he could have induced the Parliament to withstand this inconvenient proposal, which was carried by the noble Lord, then Chancellor of the Exchequer. He must have been aware that he could have induced the Parliament to withstand this dangerous proposition, that had been pressed upon the Government from without and from within. If he had looked to the gentlemen of England for support, and had asked them whether they would sanction a measure which would increase the deficiency in the revenue, he would have had no deficiency of supporters. He was sure that all parties, on such an appeal being made to them, would regard it as a matter of sound policy to oppose such a plan until more favourable circumstances arose for carrying it into execution. He was not speaking against the scheme itself—he was not stating that this reduction in the revenue might not be desirable under other circumstances—he offered no opinion on this point—and as to what might have been prudent or advisable to do on the subject, when the finances of the country were in a favourable condition, and when they had a large surplus to deal with, and to insure them against any deficiency in the revenue —such a surplus, for instance, as the noble Lord opposite commended the Duke of Wellington's government for maintaining

—and entertaining that opinion, it was extraordinary that he could be a party to come forward with such a proposition. He did not hesitate to say, that the proposition was inconvenient and dangerous, and Lord Melbourne and his Government must have been aware of this, and must know that the carrying it at that time could only add to the great difficulties of the finances. In sanctioning such a measure they abandoned all sound—he had almost said—all honest policy; for the Government itself never had confidence as to the result of this scheme. They never believed that this was a wise plan—they never were convinced that it would prove advantageous, for they resisted it strongly when it was first proposed. When the Government gave way, what was the secret influence which induced them to abandon their former conviction as to the alleged inconvenience attending the adoption of the plan? That they might keep their offices, they entered into this compact, and by this sacrifice of their opinions and principles on the subject, they might get certain votes. In introducing this measure to the House, the Government admitted that there was a risk of great danger; and the late Chancellor of the Exchequer brought it forward in the House with evident reluctance, and he satisfied his own conscience by the most extraordinary expedient for that purpose that ever minister of state consented to make. He told the House, that he was afraid that it knew that this measure would be delusive in its consequences; but the remedy which he proposed as a security was, that he would take a pledge from the House of giving him an equivalent for the revenue that he should lose. They had now lost the revenue, and, at the same time, had got rid of the pledge. When would the the House be called upon to redeem this pledge? Independent of this pledge, there was another very large source of deficiency in the revenue, which it would be the duty of the House to fill up, and remove, he hoped, during the present Session. He said that he hoped, for nothing was so objectionable as the attempt that had recently been made to carry on the public service of the country by means of peace loans. He could hardly conceive any thing more baneful than to exhibit England to the world as being in such a lamentable condition, and her finances on such a dangerous footing, as to carry on the government by means of peace-loans. For his own part, such proceedings in our finances should never cease to meet with his most strenuous opposition. If he was told that it was necessary to resort to this expedient, he would remind the House, that the finances of the country had been reduced to this unfortunate state, not without warning, for they had been constantly cautioned against this reduction of the revenue, by those on his side of the House, who took a prominent part in discussions on the finances of the country. His right hon. Friend, the Member for the University of Cambridge, had never failed to repeat his cautions to the Government, against the dangerous practice of sacrificing the revenue to popular demands for the reduction of taxes. His right hon. Friend, the Member for Tamworth, also, had given a caution on this subject to Lord Althorp, when that noble Lord brought forward his last budget. The language which his right hon. Friend used on the occasion was most emphatic language, in cautioning the noble Lord against the dangerous nature of the proceeding, in reducing taxes merely in consequence of a popular demand; he added, "that he was sure that any one in the situation of the noble Lord must be aware of the difficulty between repealing old taxes and imposing new ones." If they looked back through the twenty-six years during which peace had existed, they would until comparatively recently, find that a surplus revenue had always been maintained. This was the case during every portion of that time, except one, until within the last five, or rather the last three years. From the year 1816 until 1828, when the Finance Committee sat, the revenue had been kept in such a state as to satisfy the anxiety of those who were anxious for a large surplus income; and this had been found, during that time, sufficient to effect a large reduction in the national debt. In the report of that Committee, with which he was sure, that the right hon. Gentleman was familiar, it was shown, that in the period of peace, between 1817 and 1828, there had been a reduction of 3,500,000*l.* on the charge of the debt, while in the same time 26,000,000*l.* of taxes had been taken off. There was something consolatory in the view of the finances of the country at that time; and his right hon. Friend, the Member for the University of Cambridge, who then had the management of the Exchequer, took care that the revenue should not be in such a state that there was any chance of a deficient income. While his right hon. Friend held the office of Chancellor of the Exchequer, he reduced the taxes to the amount of between 6,000,000*l.* and 7,000,000*l.* a year, and still left a surplus revenue to his successor, Lord Althorp, of 3,000,000*l.* Lord Althorp had always been in favour of a small surplus revenue, and he had proposed to reduce a number of taxes, but still he retained a clear surplus revenue of 500,000*l.* a year. The only deficiency of the public revenue antecedent to the time when Gentlemen opposite came into office was when Lord Althorp was Chancellor of the Exchequer. The hasty reduction of taxes occasioned this, and the deficiency that arose then, to the amount of about 1,000,000*l.*, was made up by increased revenue in the following year, so that no great public inconvenience resulted from it. There was no continued deficiency from that time until 1837; that was, there was no actual and permanent deficiency of revenue. He had already, stated to the House, that Lord Althorp had always been opposed to their having a very considerable surplus for the reduction of debt; and in introducing his first budget, he proposed a reduction of some taxes, and a substitution of others, but so that the surplus should be reduced from 3,000,000*l.* to about 500,000*l.*, which he stated was going rather too near the margin, and that there was some danger in it. But what was the conduct of Lord Althorp when he found, that he could not carry some of the taxes which he proposed to substitute in lieu of those to be taken off? That noble Lord, having a just regard for the enormous danger which might arise from a constant deficiency in the revenue of the country, when pressed to reduce some of the taxes which he had proposed to do without having a surplus, strenuously resisted the proposition. It would have been congenial to the feelings of Lord Althorp to have adopted some of these great reductions in taxes; but no pressure from within or without could compel or induce him to sacrifice such an important matter in connection with the revenue of the country as a surplus income, and thus put the public credit of the country in danger. The House must well recollect with what energy that noble Lord adhered to the decided course which he had adopted, when the House was taken by surprise, and agreed to a motion for the reduction of the malt-tax, when the noble Lord declared that he would not remain an hour in office, and place the country in such a dangerous condition as it must be in with a large deficiency in the revenue. Having adverted to the right hon. Gentleman so pointedly before, he thought it but right to say, that the position in which the finances had been was not owing to those who had had the management of the Exchequer, but the evil arose from the wretched policy of the Government. No man could watch the proceedings of the Government without observing, that the noble Lord at the head of the Government in the other House, was a most reluctant executor of many of the tasks imposed on him by his supporters, and that he was forced and driven to support many measures which he was really opposed to by his colleagues in the administration. In addressing the right hon. Gentleman as the minister responsible for the finances of the country, he was sure that the right hon. Gentleman would not urge as an excuse from censure, that he had been but recently appointed to the office, as he had only succeeded to a department with which he had long been familiar, and with the details of which he was practically acquainted as well as his predecessor: he therefore should proceed to advert to what had been done for the last year or two. He did not wish to detain the House at much greater length, for he thought that he had already laid a sufficient foundation to justify him in calling for the papers which he required, and more particularly so in the present state of the country. From what he considered to be the duty of the House, he believed there never existed a more solemn obligation in them than at this time, to take proper steps to put a stop to the present financial embarrassments of the country. When he saw the danger staring the country in the face, he felt that he was justified in calling upon the House, at that early period of the session, to require such information as would tend to direct them in that course which it was essential to the interests of the public service should be taken. But before he proceeded further, he must observe, that it was necessary that he should guard the House against relying upon any authority or upon any facts which he should adduce, but to rest upon the statements of members of her Majesty's Government; and when he alluded to the dangerous state of the finances of the country, he would also recommend them to guard themselves against forming an exaggerated or too gloomy view of the general state and situation of the country. What he spoke of was the effect of mismanagement of the Government, of the want of judgment, of firmness, and of skill, which had characterised the present administration. The people of England were not deficient in resources; they were not less able to support the honour and interests of the country, and to ensure its safety than at any former period. He believed that our resources were unimpaired; that, indeed, we were more competent now than at any former period of our history, to make great exertions, if called upon to make them. He utterly repudiated the foolish saying that England was laid prostrate under the weight of its seven hundred millions of debt. When the country was called upon to make good the deficiencies which had arisen, he had not the slightest doubt it would be prepared to do so, and that the wisdom of Parliament would remedy the evils which the folly of the Government had brought upon the country. The right hon. Gentleman concluded by submitting the motion for returns as mentioned in the beginning of his speech.

The *Chancellor* of the *Exchequer* was well aware, that every person in office was *ex officio* liable to those imputations and charges which, as a Member of the Government, he shared on the present occasion, and he was equally well aware that, in the eyes of the Opposition, there were no motives for bringing forward such a motion as this but those of the purest patriotism, and he was far from desiring to assign any other motives to the right hon. Gentleman; but still he could not conceal from himself, that if all the ingenuity of the right hon. Gentleman had been called into requisition for the purpose of devising a course most embarrassing to those who were at the head of the financial affairs of the country, he could not have been more successful than he had been in preparing the present motion. Before he came to the real point at issue, and before he followed the right hon. Gentleman in some of his observations, he would narrow the question as much as possible by stating what part of the returns he was ready to concede. The part of the motion to which he objected was, for a return "of the estimated income of the consolidated fund for the year 1840." The rest of the returns he was quite willing to give. There remained therefore no question as to any account whatever included in these returns, as there was no objection on the part of the Government to any return whatever, but to that which involved practically that part of the budget which comprised the income of the future year. This, however, was the principal point at which the right hon. Gentleman aimed. He insisted, that at that present moment the Chancellor of the Exchequer should lay before the House what would be the income of the year. The right hon. Gentleman, in the first part of his speech, had sought to justify what he admitted to be an extraordinary motion, by an allegation of what he was pleased to term the systematic evasion on the part of the Government of stating what were their views as to finance; but the right hon. Gentleman had quite upset this justification by subsequent admissions. When it served his turn, the right hon. Gentleman commented on the statements made by his noble Friends, on late occasions; and, in doing so, admitted that nothing could have been more candid, more fair, and more open—such were the words—than the statement of both those noble Lords respecting the position in which they were, and the course which they intended to pursue; and, therefore, when the right hon. Gentleman stated, that the Government displayed a systematic evasion, in stating what were their views regarding finance, he would only ask the House to look to the facts of the case, and the admissions of the right hon. Gentleman. If ever there was a moment when the Ministers of the Crown might well have shrunk from such a declaration as that which had been so manfully made by the noble Lord at the head of the Government, in that and the other House, it was at the moment when the fate of their administration was pending. Yet the very moment before that House went to a division on his fate as a Minister, the noble Lord near him, in language which had been characterised by the right hon. Gentleman opposite as most candid, fair, and open, had stated to the House the difficulties of the financial circumstances of the country, and the determination of the Government to meet them with the firmness and energy which the case required. The right hon. Gentleman stated, that the returns he sought had been furnished on former occasions, but the right hon. Gentleman, unintentionally, no doubt, had probably left a wrong impression on the minds of many hon. Gentlemen, who had not closely attended to all the circumstances, or to the real facts of the precedents which he had brought forward. He stated, that both Lord Ripon and Lord Spencer gave accounts of their financial expectations at an early period of the year. In the first place, as regarded Lord Ripon, it was to be recollected, that the financial year, in his time, began in the month of January, and not, as now, in the month of April, and, consequently, the business of the House was necessarily brought forward at an earlier period of the year than now, but the other circumstances of the case were different. That was not a case of compulsion at all; no opposition called for the course, but the noble Lord took that course which appeared to him to be, under the circumstances, most expedient and best for the public service. Lord Spencer followed the same course, but it was a course which, at the same time, was loudly objected to by all parties highly inconvenient. To call upon the Government to lay the financial statement for the year before the House, at so early a period, on such precedents as these, was quite beside the mark. These accounts, then, having never, in the warmest times of opposition, even during the war, been pressed on Government or granted by Government, it was for the right hon. Gentleman and his Friends to make out a much stronger case than had been made out or their production now. In the first place, he had always understood—and he had learnt it from those whom he was led to think high authorities—that the case of an individual, and the case of a country was quite different. That as regarded an individual, the first object which he ought to look at was the amount of his income; and that having taken an account of his income, he was bound to cut down his expenditure to meet his income; but the case was quite different when you came to deal with a country. Here you were bound to look first at what the necessity of the public service required, and then to meet these necessities; that if you had a superfluous income, you were not bound to spend one sixpence more than was necessary; and if, on the other hand, there was a deficiency of income, you must still first look at the expenditure which was necessary, and having taken this into consideration, should proceed to consider the best mode of dealing with it. This was the principle stated by the right hon. Gentleman himself before the Finance Committee. In reply to a question, he said that he objected to dealing with the question of income until he had determined upon that of expenditure. But now the right hon. Gentleman, being on the Opposition side of the House, inverted his position, and called upon the Chancellor of the Exchequer for his estimates of income long before the amount of expenditure could possibly be determined. Even when his noble Friend did bring forward his early financial statement, he expressed the difficulty he had in giving any thing like an accurate calculation—a calculation upon which the House could rely; and certainly this difficulty would be much greater now than it was then. The right hon. Gentleman had alluded to some of the difficulties which had obscured the prospects of the commercial world for some time past; had these prospects entirely cleared up? Did not the right hon. Gentleman himself know that it was the prospects of commerce at the opening of the spring trade, upon which Government must, in great measure, found its views as regarded the Customs and Excise? With respect to the probable revenue of the Post-office, he could assure the House that nothing but a sense of public duty would induce him to withhold any information from the House; but from a sense of what was due to the public service, he must decline to accede to the right hon. Gentleman's request on this point, on the present occasion, and, as he considered it his duty not to put on paper any answer to the right hon. Gentleman on this point, he should also take care not to be led by the right hon. Gentleman's seductions to give him the information in any other way, by entering into any argument upon the subject. [*Hear, hear, from the Opposition.*] Those cheers convinced him that it was not entirely without intention that those lures had been held out, and that even if hon. Gentlemen opposite were not convinced that they should embarrass Government by demanding these returns, the right hon. Gentleman thought he might practise on the new Chancellor of the Exchequer, and obtain that information in the course of his speech which he, perhaps, would not obtain otherwise, but which he wanted to possess, that he might use it for his own purposes. In what he now said, he knew very well that he was exposing himself to numerous attacks from the other side; he could see this in the smiles of the hon. Gentlemen who sat there; he knew that he had so far placed himself at a disadvantage, but he knew also that it was his duty not to be led into any such discussion; and while he felt that he was fulfilling that duty, he was altogether careless what present advantage might be taken against him by hon. Gentlemen opposite. The information respecting the Post-office would be laid on the Table of the House in the returns which he himself had moved for; and until these were before the House, the calculations of the right hon. Gentleman could have little weight. With regard to the early introduction of the universal low rate of postage, he had felt it to be his duty as Finance Minister, to place the Post-office question, at the earliest possible period, in such a position that Parliament might have some months' experience of the working of the measure before he laid the financial statement of the year before them. There were plenty of reasons why he should and might have postponed the introduction of the low rate; he admitted that many of these reasons were strong and cogent, and he admitted, that it was objectionable to introduce the change in an imperfect state, at a time when the change involved inconvenience to the public service, and partial inconvenience to the public at large; but he had so strongly felt that it was his duty not to evade the question, and he had so decidedly felt it to be expedient that there should be some months' experience of the new system before the House came to consider the financial statement, that despite the obloquy to which he was subjected in various quarters, he had deemed it his imperative duty to introduce the change when and as he had done, even though he admitted it to have been in an incomplete state. He mentioned this to show that, at any rate, in this respect there had been no attempt on the part of Government to evade the question of deficiency of revenue. It was quite impossible for any man, at the present moment, to come to any fixed and fair estimate of what the result of that experiment would be. The course of the right hon. Gentleman was one which had never been pursued before, and one which was quite contrary to the principles on which public income and public expenditure ought to be balanced, not to mention the peculiar difficulties presented by the present state of the mercantile interest. Indeed, he could not understand in what mode the right hon. Gentleman would wish his estimates to be framed. He knew on what principles a Chancellor of the Exchequer came down to the House with his financial statement. He considered what he, on his own responsibility, should state to the House as to the extent to which the House might fairly go, and was responsible, not for the accuracy of particular figures, but for not overstating the amount of income. The right hon. Gentleman had further alluded to the course taken by Government respecting the general debt of the country; to the statement of Lord Melbourne; had praised the Government of which he formed a part; had alluded especially to the right hon. Gentleman near him, and thrown out some observations as to the course which had been pursued by former Whig Administrations. He was quite ready to admit that the right hon. Gentleman opposite had had it in his power to reduce the debt, and that he had availed himself of that power; and much of the reduction he had effected by converting permanent debt into terminable annuities. He would call the attention of the House to what had really been the course pursued—to what had been the increase and diminution of the debt under the administration which followed that of the right hon. Gentleman. On the 5th January, 1831, the amount of funded capital was 757,486,997*l.*; on the 5th January, 1839, the amount was 761,347,690*l.*, showing an increase of the funded debt of 3,860,693*l.*; on the 5th January, 1831, the amount of capital unfunded was 27,271,656; on the 5th January, 1839, 24,655,300*l.*, showing a decrease of 2,616,350*l.*, and showing together a total increase on capital debt of 1,244,343*l.* Thus stood the course of the Whig Government, which had difficulties to deal with which no former Government had had to sustain. There was an addition, under their administration, of not less than twenty millions to the public debt, and this effected not by any financial arrangements of the Ministry—nor by any of the mismanagement of which the right hon. Gentleman talked so much, but added for the purpose of freeing our fellow-subjects from slavery. He had not the slightest objection to taking the responsibility of this addition on his shoulders, together with the office to which he had succeeded. And when the right hon. Gentleman insisted upon his assuming the responsibility of all that had been done by his predecessors in office, since the time of the right hon. Gentleman, all he had to ask in return was that the right hon. Gentleman, acting on the same principle, should take on his own shoulders all the national debt which he found when he entered upon office. But let it not be forgotten that, notwithstanding this very serious addition of 20,000,000*l.* on account of compensation claims, there was, on the 5th of January, 1839, an increase on the capital debt of only 1,244,343*l.*; and if the 20,000,000*l.* additional were not taken into the calculation, so far from an increase, there would be a decrease of 18,700,000*l.* It seemed that he was to be responsiblefor all that Lord Monteagle had done in three years of difficulty, but he was to assume nothing for what had been done under Lord Spencer. How stood the case in 1836? On the 5th of January, 1836, the amount of funded debt was 758,549,684*l.* On the 5th of January, 1840, it was 766,547,684*l.* showing an increase on capital of 7,997,818*l.* The unfunded debt amounted on the 5th January, 1836, to 29,954,335*l.* On the 5th January, 1840, it amounted, including the addition of one million, to 21,688,375*l.*, showing a diminution of 8,265,960*l.* If this decrease of the unfunded debt were compared with the increase of the funded debt, it would appear that upon the whole there was a decrease. So far, therefore, from having increased the debt, it appeared that his noble Friend (Lord Monteagle) had during his financial career diminished the total amount of the funded and unfunded debt. A Government was usually liable to attack on the ground of expenditure. Upon that ground he had not to complain of hon. Gentlemen opposite. For if an increased income had been pressed upon the Government, it was probably more owing to hon. Gentlemen opposite than to any other cause. The Government had not been encumbered in their estimates by the hon. Gentlemen at the other side attempting to reduce them, because it was admitted that the service of the country could not be carried on with a less expenditure than the Government proposed. Such being the case, the Government not being urged to economy by the Opposition, but rather the reverse, he would compare the army, ordnance, navy, and miscellaneous estimates for the years 1828, 1829, and 1830, three years of an administration which no one would blame for extravagance, but which had received the praise generally of having attended to economy, with the average of the estimates for the same services during nine years of Whig Government. The average estimate for the army, navy, ordnance, and miscellaneous services for the years 1828, 1829, 1830, was 17,350,871*l.*, whilst the average for nine years of Whig Government, from 1831 to 1839, inclusive of Canada grants, was 15,461,688*l.* If the Gentlemen opposite attacked Lord Monteagle's administration alone, the average during the time he was Chancellor of the Exchequer was 15,372,216*l.*, or nearly two millions below the average of the grants in 1828, 1829, 1830. Even during the last year, of which the information could be obtained, including the additional million on account of Canada, the amount was 17,219,692*l.*, which was still below the average of the Government of the right hon. Gentlemen opposite. It might be said, that these estimates came under the observation of Parliament, and therefore that Parliament had contributed to the reductions. But was this the only respect in which, during nine years of Whig Government, attention had been paid to the expenditure of the country? He was not going into details of particular reductions in this office or that office, but would content himself with one great point, namely, the difference between the amount of revenue actually received and the amount paid into the Exchequer. In the last year before the Whigs came into office, he found that the difference between the amount collected and the amount paid into the Exchequer, without taking into account drawbacks, was 4,875,000*l.* and odd. He found that in 1839, the last year of which the account could be got, the difference amounted to only 4,042,000*l.*, showing a reduction of 833,000*l.* in a sum under five millions. There might be one other point, but the right hon. Gentleman had relieved him from the necessity of touching upon it —he meant the prospects of the country. The right hon. Gentleman, in whose views he concurred, had stated that there was a temporary depression arising from temporary causes, but that he looked to the prospects of the country with sanguine expectation that those difficulties would be only temporary, and that none of its real resources were touched. The state of the Customs and Excise was the best criterion of the state of the country, and it appeared that in 1830 they amounted together to 36,184,000*l.*, and in 1839, to 35,919,000*l.*, showing little alteration, without taking into consideration the reductions made during that period. When he looked to the produce of the revenue he found that it kept up in a remarkable manner, and when he remembered the reductions of taxation during that period, which it would be very difficult actually to estimate, but which were upwards of six millions, he could not but consider it as a conclusive proof that the resources of the country were uninjured. During that period there had been not only the reduction of six millions of taxation, but the public had been enabled to bear the additional burden of the twenty millions for the emancipation of the negroes, and the interest upon it of about 750,000*l.* a-year. With regard to the Post-office, it was unnecessary to fight over again the battle which they had fought in the last session of Parliament. But he would state the ground on which the measure was carried. He never concealed from the House or the public that it was not an ordinary revenue transaction. It was a case in which great and important grounds alone justified the experiment. What were those grounds? Was it not admitted on all hands that the reduction of postage would be one of the greatest blessings that could be communicated to the public at large, with regard to commercial interests, to domestic and social purposes—to friendly intercourse—to the advancement of literature and science, and even to religious communications? The clergy had been among the most anxious promoters of the scheme, and from the clergy more perhaps than from any other class, had he received acknowledgments of its being a benefit of the utmost importance. This was not all. Was not that a most appalling fact, which appeared before the committee, that from one end of the country to the other, with every class, and under all circumstances, there was a conspiracy to cheat the revenue? Was it then a mere revenue question? Was it not a question well worth consideration, whether, by taking away a portion of revenue, they could give those great benefits to the country which he sincerely believed would follow from the measure, and could also remove the great calamity to which he had referred; for he could conceive nothing worse than that a whole people should be united to break the law. The right hon. Gentleman had been extremely facetious upon the subject of the resolutions moved by his noble Friend (Lord Monteagle) last year. He would not conceal his opinion, but would state frankly what he considered to be the effect of those resolutions. He thought his noble Friend was perfectly justified when he took upon himself, as a finance minister, to bring forward the measure of reduction—in bringing, at the same time, in the most solemn and distinct manner, under the cognizance of Parliament and of the country, the alternative which possibly or probably would arise from the adoption of that measure. He did not think a finance minister would have been justified, when he saw that a defalcation in the revenue might be the consequence of his proposal, in not declaring that if such should be the event, a new tax must be imposed. A minister, in such a situation, was bound to bring forward, in the most open manner, the alternative, in case of defalcation, and then ask whether Parliament would, on such terms, consent to the reduction. He believed the public ought to be consulted as to the mode in which money was to be taken out of their pockets. He believed they were the best judges of the mode, and if they were of opinion that the Post-office tax was exorbitant, and pressed upon their comfort, the interest of their commerce, their social intercourse, they were perfectly justified in desiring to have it altered. He believed, that throughout the country the people would be prepared, in preference to suffering the re-establishment of the Post-office rates, to make an equivalent. So far he concurred in the course of his noble Friend. But he was perfectly certain that neither the words of the resolutions, nor of the Act of Parliament, introduced any new duty to that House, or created any new obligation. It was the duty of the House to furnish for the public service what was absolutely necessary to keep faith with the public creditor, to give to the establishments of the country sufficient force to protect its commerce, and to keep up the national honour; but beyond this the duty of Parliament did not go. If, unfortunately, it should turn out that without resolutions or Acts of Parliament the House or the country was so lost to all those feelings as to be willing to see the public service starve, and the public establishments sink to such a condition that neither the honour of the country abroad, nor of commerce, could be defended,—or to be willing to break faith with the public creditor, then he believed that such a pledge as that given by both Houses of Parliament last year would be of no force, and would deserve to have no confidence placed in it. But he had better expectations. His noble Friend in the other House, and his noble Friend in that House, had stated, without any of the subterfuge or systematic evasion of which they were accused, the course they would pursue. For himself, so long as he held the office which it was now his fortune to hold, he should not shrink from the task, however unpopular it might be, of calling on the House to redeem what he considered it was bound to redeem, and to provide for what was required for the public service.

Mr. *Goulburn* said his right hon. Friend, who opened the subject had so fully and completely stated the grounds on which the question rested, and the right hon. Gentleman opposite had offered so little opposition to it, that he (Mr. Goulburn) felt great difficulty in doing more than replying to a few minor topics which the right hon. Gentleman seemed to consider a sufficient answer to the motion before the House. The right hon. Gentleman indeed concluded his speech by professions, by adhering to which he would receive the praise of every Member of Parliament. He told them in high sounding language of the obligations imposed on them to keep up an equality of revenue and expenditure—to furnish what might be necessary to maintain the establishments of the country—to uphold its public credit and keep the national honour respected both at home and abroad. In that he cordially concurred. That was the principle he had for years endeavoured to impress on the Government. He rejoiced to find, that at the opening of the right hon. Gentleman's financial career he had avowed himself prepared to act on principles which every honest man in the country must approve. But the right hon. Gentleman further told them, that if the House did not concur in those opinions it would be lost to every sense of proper duty. He must take leave, however, to say it was not on the House alone that the maintenance of these principles depended. If the Government, having as they ought and must have, the lead in the two Houses of Parliament, manfully adhered to those principles, he entertained no fear with respect to the House of Commons. But, if commencing a financial career with high-sounding principles, the justice of which no man could deny, they should afterwards be found departing from those principles until the revenue could not maintain the establishments of the country, the House would be placed in the double difficulty of having not only to act on their sense of duty, but to fight against the resistance and misconduct of the Government. If he did not yield absolute credit to the assertions of the right hon. Gentleman upon the present occasion, he thought he had good reasons for expressing his doubt. He well remembered that the late Chancellor of the Exchequer, when he entered on the administration of financial affairs, made professions exactly corresponding with those which had been repeated to-night. He told them how important it was to avoid a deficiency in the revenue; how indispensable it was to maintain a surplus; and that when the surplus was limited, they could not afford to repeal any tax; and yet what was the result of those high-sounding declarations? Before he left the office the right hon. Gentleman had abandoned every one of them. Instead of maintaining a surplus, he had for years a large deficiency; he consented to repeal taxes, not on a small surplus, but in the face of an enormous deficiency, and left the finances of the country in such a situation, that in the opinion of the Government there was no alternative but to impose a new tax to meet the deficiency. On the 14th of August, 1835, being the period of the year when he generally thought fit to favour them with his financial exposition, the Chancellor of the Exchequer made these observations:

> "Let the House not assume that it will be competent for me to propose any remission of taxation. Would to God it were so. I can assure hon. Gentlemen that there is no portion of the duties of a Chancellor of the Exchequer that can be so agreeable to his feelings as proposing the repeal of an unpopular tax; and, if Ministers find themselves bound to resist the applications that are made from time to time, then Gentlemen must do us the justice to believe, that we are led to do so most reluctantly, and that it can only be from a sense of duty, that we make a stern and determined stand against the remission or reduction of taxation; and that it is only done when such reduction or remission is likely to be attended with danger to the permanent interests of the country."

Then, in answer to the hon. Member for Kilkenny, who suggested, that a portion of the duty on tobacco should be remitted, and that the revenue would be increased, the right hon. Gentleman went on to say,

> "There is no experiment I should make with more pleasure, than the experiment of reducing taxation for the purpose of increasing consumption. But I dare not make such an experiment at the hazard of shaking the credit of the country. When we have a *boná fide* surplus to deal with, then it may be right so to apply it; but we ought not to venture on such reductions, if by making them we place at risk too large a proportion of the public revenue."

The amount then proposed to be sacrificed was 300,000*l*. Such, then, was the declaration of the Chancellor of the Exchequer annually repeated about the same period in 1836, 1837, and 1838, and what was the result? That in 1839, in the face of a deficiency of revenue above 1,000,000*l*., he proposed the remission of taxes, not to the amount of 300,000*l*., but to affect a branch of revenue producing 1,600,000*l*. Why the right hon. Gentleman should resist the motion of his right hon. Friend, he was completely at a loss to understand. In the first place, the right hon. Gentleman said, "can you expect that I can lay before you an estimate of the income of the country at this season of the year? First ascertain the expenditure, and then settle the income necessary to meet it." But the papers moved for by his right hon. Friend would not interfere with that. They did require as in former times, on the winding up of the whole financial concerns, to know in the first place the necessary expenditure of the country, and then the produce from which the whole revenue was to arise. But the motion of his right hon. Friend did not require an estimate of the whole revenue of the country; the estimate he moved for was an estimate of the produce of the consolidated fund. The right hon. Gentleman had told the House, that his means were deficient by 2,000,000*l*. a year, and wished them to believe, that he could not give an estimate of the amount of the consolidated fund without an estimate of the whole finances of the year. But this observation did not apply to the consolidated fund. The consolidated fund was charged with various payments, the discharge of which was essential to the credit and confidence of the country. They knew that there was a great deficiency in various branches of the revenue, and he and his Friends wished to see how far the consolidated fund, after providing for these payments, was capable of supplying a surplus towards the expenditure of the year. There was one circumstance which rendered it the more proper that the House should have an estimate of the consolidated fund. When Lord Monteagle last year came down to the House, almost at the last hour of the Session, and proposed a loan of 4,000,000*l*. for funding certain Exchequer bills, he was asked in the House, "How do you intend to provide for the interest of the loan? You tell us there is a deficiency in this year's account, and we want to know how the loan is to be provided for." The answer of Lord Monteagle was, "I have a bill to introduce with respect to the Bank of Ireland, which will produce to the country 85,000*l*. a-year, which will go towards paying the interest of the loan." That bill had been thrown out—no, he would not say it was thrown out, like other measures of the Government, it had been abandoned, and consequently Lord Monteagle was deprived of that resource which he expected from the introduction of the bill for the regulation of the Bank of Ireland. How, then, was the consolidated fund, without this aid proposed to be given to it, likely to satisfy the claims upon it? He should like to know why her Majesty's Ministers withheld this information; whether, in the peculiar circumstances of the present time, his right hon. Friend had not a right to call for the account, in order to show how far the consolidated fund was in a condition to meet the necessary claims which the law had imposed upon it. "But," said the right hon Gentleman, "you have no precedent—can you point out to us a single one? The motion is entirely unprecedented." He wished to understand from the right hon. Gentleman, at his pleasure, whether he really meant to ground his opposition to the motion upon the absence of precedent? for if he rested it on that, and it only rested with him (Mr. Goulbourn) to point out a precedent, if he could not convince him that so far from there being no precedent, there were many, he should not trouble the House further, He should not trouble the right hon. Gentleman with many precedents; he should mention only one or two that were most applicable, and he should not have adverted to this point at all if the right hon. Gentleman had not said there was no precedent; for even if there had been no precedent for such a motion, the present circumstances would make a precedent. But if the right hon. Gentleman relied upon the wisdom of our ancestors (an argument not often urged by the other side), he should state what the wisdom of our ancestors had been on this head. In 1803, at the close of a war, and when our finances were in some difficulty, it was proposed to bring in a bill to make a considerable alteration in the Custom laws, which would affect the produce of different duties levied under the old law, and in the discussion upon that measure, a question arose how far the alteration in the laws might affect the permanent interests of the country, and an account was moved for on the 15th of June, 1803, of the reduction in the amount of the consolidated fund, in consequence of the bill for consolidating the duties of customs. It was said that the House had a right to call for a specific account of the computed addition to, or reduction of, the consolidated fund from the alteration of taxation which had taken place, and it was acquiesced in by the Government, and whatever was the object of the motion, it was agreed to without hesitation. But perhaps the right hon. Gentleman would say there was no precedent at at a later period. He would go, then, to 1823. The right hon. Gentleman had said, that Lord Ripon only gave loose statements to the House, and that he objected to tell the House how we stood at the time of the spring trade, and required it to wait till the autumn trade. What was the fact? Lord Ripon made an alteration of a tax in 1823, and in the discussion on the subject, a question arose how far it would affect the consolidated fund, and a motion was made (the right hon. Gentleman would tell him by some active Member of the Opposition) to the following effect; and it was nearly at the present date, for it was on the 7th of March, 1823—at an early period of the year, when all the difficulties of the spring trade were in full operation. The motion was—

> "That there be laid before the House an estimate of the probable future increase of the consolidated fund, after allowing for the probable loss by reason of taxes reduced, and of the future annual charge for the same."

So that this was exactly what the motion of his right hon. Friend called for. Therefore, if they were to be governed by precedent, the precedents were in favour of the motion, and in the existing circumstances of the country, the motion now made was more particularly called for, inasmuch as the present circumstances of the country, above all others, rendered it necessary for the House to have a knowledge of the state of the consolidated fund. But the question did not rest upon precedent. The question for the House to decide was, whether or not it was consistent with their duty to their constituents that they should be put in possession of a general estimate of the produce of the consolidated fund, with a view of making up their minds as to the present state of our resources, and the means of placing the finances of the country on a safe and respectable footing. He said, that, on the reason of the thing, the motion of his right hon. Friend ought to be conceded. It was admitted on all hands that we were in a state which, to use an expression of the noble Lord at the head of the Treasury, was "extremely disagreeable," which meant, he presumed, if translated into less polished language, a state of considerable difficulty and danger. If, then, that was our condition, he asked any man whether it was not most advisable, in the present circumstances of the country, to let the House and the country know the exact condition we were in? The motion was not made to inculpate the Government, but to enable the country to know its real situation. He had no fear of the resources of the country, or of the readiness of the people to meet any difficulty in which they might be placed; but the Government must place confidence in them, and not refuse to lay before them at the proper period the state of our financial affairs. The right hon. Gentleman had told the House that during the period between 1835 and the present moment, there had been no reduction of the debt; that the debt of 1835 and 1839 was, with the funded and unfunded debt together, nearly on a par, and yet he took credit for the present administration for leaving the funded and unfunded debt as they found it. But he must say that it was not satisfactory to his mind, nor could it be to that of any man who contemplated the future interests of the country, to find, that during four years of continued peace, no progress had been made in the reduction of the debt of the country; and still less satisfactory would it be to the country to know that whilst no progress had been made in the reduction of the capital of the debt, funded and unfunded together, there had been an increase in the amount of charge on the debt, amounting to nearly a million of money: for if the House looked to the charge of the debt in 1835, and compared it with the charge in the year ending 1840, they would find an augmentation of charge of the funded and unfunded debt from 28,700,000*l.* to 29,450,000*l.*, being an increase of 700,000*l.* in the amount of the charge for the debt. If the charge was increasing, how could they prevent the capital of the debt from increasing? The right hon. Gentleman had, indeed, stood up in defence of the whole of the Whig Administrations from 1831. He said they could not make any large reduction of the debt, since it was necessary to provide for the compensation in order to give effect to the abolition of negro slavery. He agreed with the right hon. Gentleman that that would have been an addition to the debt of the country, and this was one of the strongest reasons why he enforced upon the Government the necessity of directing all its efforts to the reduction of the debt, because, govern the country as you will, occasions would occur for great sacrifices, and if we raised loans, and added to the debt, and provided no means for reducing the debt, we should be sapping the foundations of national prosperity. The right hon. Gentleman had compared the present Administration with that of the Duke of Wellington; he said that the Duke of Wellington had not 20,000,000*l.* to provide for the redemption of negro slavery. He knew it; but see what the Duke of Wellington did towards the reduction of the debt. In 1828, the amount of the debt was 777,000,000*l.*; in 1831, it was 757,000,000*l.* so that there was a reduction of 20,000,000*l.* of debt in three years, and if the Duke of Wellington had been called upon to advance 20,000,000*l.* for the redemption of negro slavery, he would have done it without adding one sixpence to the national debt, because he adhered to the sound principle of reducing the present debt of the country, to prepare for any exigency that might arise. He could not enter into any details of the expenditure of the country during the period to which the right hon. Gentleman had referred; but, with reference to the efforts made by the Duke of Wellington to reduce the expense of collection of the revenue, he should read a statement made by the predecessor of the right hon. Gentleman (Lord Monteagle) in 1835, and leave the House to decide whether or not the Duke of Wellington's Administration had reduced the expenditure of the country. Mr. S. Rice said, on the 14th of August, 1835—

> "It must be clear to every hon. Gentleman who hears me, that every reduction heretofore made renders it more and more difficult to carry the principle of reduction further. On this account, acknowledging, as I have always done, with readiness and pleasure, the great reductions made by the Administration of the Duke of Wellington, the difficulty of effecting further reductions being increased, the merit (if I may venture to say so, and I do not know why I should not speak the truth) of those who carry reductions further is increased in proportion."

It was not his intention to deny that the right hon. Gentleman opposite had proceeded on the precedent thus furnished them with reference to the reduction of the revenue, but he had the authority of Lord Monteagle for saying that the reductions effected by preceding administrations had made it difficult for him to carry reduction further. He would not dwell longer on this question of expenditure, except by adverting for one moment to the alteration made in the Post-office department. The right hon. Gentleman said, that that alteration had conferred great benefit on society; that it had broken up the great conspiracy which had previously existed to defraud the revenue; and that it was to be regarded not merely as an affair of finance, but as a measure advantageous to public morality. The right hon. Gentleman should recollect that those who sat on the opposition side of the House never denied that there might be benefits arising from the reduction of the rates of postage, which would make any proposition of that nature deserving of consideration; but they maintained, that if such a measure were of importance to the morality of society, still no proposal for the removal of a tax ought to be made unless accompanied with an explanation as to the mode in which it might be proposed to keep up the revenue. The right hon. Gentleman said, that in consenting to the reduction of the postage the Government was aware that there might probably be a deficiency in the revenue. It was not, however, a question of probability; if it had been, there might have been some, though a poor, excuse for the Government contenting itself with a pledge that the deficiency should be made up. But what was the position of the country when this reduction was proposed? There was an acknowledged deficiency continuing from year to year, which had to be made up. The Government did not dare to face it, and yet for the sake of a little popularity they had endangered the whole of the finances of the country. With respect to the motion now before the House, he had shown, that so far as precedent was concerned, they had the example of two successive administrations, by which similar returns had been, without the slightest dissent, granted; and if the papers were now refused, the country would conclude that the object of the present Government was to conceal the real state of the finances. The course taken by the right hon. Gentlemen opposite might appear to them a conscientious one, yet every Member of that House, desirous of applying his mind to the best mode of removing the evils under which the country laboured, must give his vote in favour of a motion, the object of which was to lay before the country, in a clear view, one great branch of the national income.

Mr. *Hume* complained that those who, on both sides, had taken part in the present debate, had wandered away from the real object of the motion. In his opinion the country ought to be obliged to any man, who brought before it the state of its revenues, or who endeavoured to keep down the expenditure, so that it should not be beyond the means of the country to meet it. Hitherto they had been afraid to look the difficulties of the country in the face; but they ought at least to be prepared to encounter them. They had to recollect that there was a deficiency of six millions in three years, and that, to add to their embarrassments, they were bound to consider what had occurred in China. A large portion of the Irish nation had left off drinking whiskey, so that there was on that to be expected a deficiency of half a million in the year. He had seen an account of ten thousand persons in the town of Kilkenny having ceased from drinking whiskey, and he understood that ten thousand more in the county had pledged themselves to Father Mathew not to taste whiskey. If the pledge was kept, as he believed it would be in Ireland, then there would certainly be a deficiency to the amount he had stated. As to the Post-office, he had never concealed from himself or others, that there must be a deficiency under that head. But then, if there was any one measure of the Government which entitled them to his honest and sincere support, it was their carrying that measure; and he did not think that hon. Gentlemen opposite forwarded their own cause much by upbraiding the Government for carrying that measure. When they saw what had happened connected with the China trade —what must occur from the cessation of the use of spirits, and what had been done with regard to the Post-office, they knew that there could not be an increase, but a deficiency in their resources, and therefore they ought fairly to look at all the difficulties which they had to encounter. He was not one who felt any distrust in the resources of the country. He found the revenue was better than it had been. In 1833, it was 46,000,000*l.*; in 1836, which was an extraordinary instance, and not to be taken, therefore, into the account, it was 48,000,000*l.*; and last year it was 47,000,000*l.* The revenue, therefore, had kept up, in spite of every disadvantage. He had always endeavoured to reduce the expenditure of the country, while hon. Gentlemen opposite recommended every species of extravagance, and supported every Government in it. [An hon. *Member* —"Not in voting 20,000*l.* less for Prince Albert."] He admitted that; but he would have given them some credit for sincerity and principle if they had voted with himself for reducing it to 21,000*l.* He had, failing in his own motion, voted for 30,000*l.* rather than 50,000*l.*; but he should have preferred 21,000*l.* to either. He could not get hon. Gentlemen opposite to vote with him for reducing the estimates. They voted against him, too, on the Canada question, and that would cost them no less than 5,000,000*l.* of money. Now, who were to blame for that? Hon. Gentlemen opposite might fancy that they could throw the burden off their own shoulders, but he assured them they could not do so. Mr. Poulett Thomson was now offering terms to the Canadians, which they had sought for, and which the noble Lord on his side of the House refused, and that hon. Gentlemen on the opposite side had refused also. He made no distinction between the two parties—they were guilty with respect to Canada on both sides of the House. He kept himself out of all blame on account of the Canadian question. There was, he insisted, no want of resources in the country. All their difficulties were to be ascribed to the extravagance of that House. As to their having a surplus, he must say, from his experience, that when he found a Chancellor of the Exchequer having much money to spare, he was always extravagant, and therefore, he was not at all sorry when he found a little difficulty in the finances of the country. He had always endeavoured to reduce the expenditure, and to maintain the public credit of the country, as he believed that no greater calamity could befall the country than that the revenue should in any way be injuriously affected. The right hon. Gentleman opposite (Mr. Goulburn) had said, that there had been no evasion equal to the present on the part of any Government, Did the right hon. Gentleman recollect the battle which he himself had waged with him on the Dead Weight Bill? That right hon. Gentleman and his party then played one of the greatest tricks he knew of, and by which they raised 11,000,000*l.* by deferred annuities of 585,000*l.* a year for forty years, which the country was paying at this day, and all this with the idea of providing for the Dead Weight; and the Dead Weight was heavier this year than it was then. They ought not to talk of 40,000,000*l.* of taxation, and 8,000,000*l.* reduction, unless they had materials upon which to form a judgment. If they wished to have a discussion which should raise the question of the reduction of taxation, and which should show the manner in which the revenue had risen under every reduction, and that, in proportion as they took off 1,000,000*l.*, instead of losing that amount, they had only lost 200,000*l.*, and scarcely as much on many occasions, he would be prepared to meet it. He was an advocate for the reduction of heavy taxes, because he believed such reduction, without lessening the revenue, added to the comforts of the people. He must say, that the discussion, as far as these matters were concerned, had nothing to do with the question; and he would therefore come to the question before the House. He admitted he had deviated, but it was in order to notice what had fallen from the right hon. Gentlemen opposite. With regard to the question itself, it was somewhat curious that the right hon. Gentleman should have interfered with a question which he had for twenty years been in the habit of bringing forward. He was disappointed that the right hon. Gentleman had not made some acknowledgment. The right hon. Gentleman, on the contrary, claimed merit for the novelty of this motion, when the right hon. Gentleman must have known that the first thing he did on the first night of Supply was to say, " Do not vote money till it is shown what revenue you have to provide." The answer of the right hon. Gentleman opposite was, " I care not what the income is, we must have such establishments as we consider necessary for the protection and glory of the country; and having taken the sense of the House upon that question, we will provide the means." Had he not always resisted such a doctrine? He was told that he must not look to money or means —that if the Government wanted more ships, or men, or money, to support or increase a Church Establishment, they must first determine upon this, and then find the means. That was a course he had always opposed. His proposition was, that whenever they brought forward the estimates, they should state, in round numbers, what they called for, and how they provided for it. That ought to have taken place on the first day they voted a supply, and on this ground he had again and again drawn the attention of the House to this subject. He must tell the noble Lord the Secretary of the Colonies, and the right hon. Gentleman the Chancellor of the Exchequer, that he was surprised at their resisting this motion. If he could give them advice, he would say by all means give this paper. Was it anything extraordinary that was asked for? If the right hon. the Chancellor of the Exchequer would send for the heads of the excise, customs, and stamps, he would in a few days be prepared to give the information required. They had only to consider in what main heads of revenue there was likely to be any deficiency. This information he thought it but fair that the House should be put in possession of. It might be said that this was a factious motion. He would say, defeat it by agreeing to it. He would still farther say, " do not allow that to be factious which is reasonable." He begged the noble Lord not to appear to refuse information which was really reasonable, and which ought to be before the House. It gave the impression as if it was wished to conceal something. A similar return had certainly before now been refused when he moved for it, but when it suited the purpose of the Government, they produced it. It might have been refused to him on the ground that he would make a bad use of it, by moving for reductions of taxation, and he must say, he had often been refused this return by Gentlemen opposite. He had hoped better things of those who now sat on the Treasury benches. He had hoped that they would go on improving, and he did not wish to be particularly disagreeable, and therefore he had not been perhaps quite so attentive to this portion of his duty as formerly. This, however, did not rescue the Gentlemen opposite from the guilt of having refused this same return. The present state of the country, and the facts stated by the right hon. Gentleman opposite, in his opinion, particularly warranted the production of this return, and with this opinion, if the question went to a division, he would support the motion.

Mr. *Labouchere* would not enter into the side field of discussion opened by hon. Gentlemen opposite, but would confine himself to the simple point before the House. The point the House had to decide was very plain and simple, and he was anxious to call back the attention of the House to it. The question was, whether they would impose a condition on the Chancellor of the Exchequer in the management of the financial affairs of the country, such as the House had never consented to impose on any of his predecessors. He did say, notwithstanding the precedents quoted by the right hon. Gentleman opposite, that if the House consented to support him in that part of his motion which alone was objected to by the Government, they would adopt a course which no House of Commons had ever before adopted towards a Chancellor of the Exchequer. It was perfectly true, as the right hon. Gentleman had said, that there had been occasions on which the Chancellor of the Exchequer, for the time being, consented to produce the information which the right hon. Gentleman demanded. But he begged the House to remark, the material distinction between the state of things at the time of the precedents quoted, and those of the present moment. It was admitted that, on those occasions, the Government was a consenting party to the production, and that those who were charged with the financial affairs of the country saw no inconvenience in the production. But at present his right hon. Friend, the Chancellor of the Exchequer stated, that whatever difficulties might embarrass his course, and he had not attempted to diminish them, but had announced his intentions fairly and manfully to encounter them, these difficulties would be aggravated if the House consented to this motion. There was an essential distinction. In the case of Lords Ripon and Spencer, although the budget had not been formally brought forward before the required information was given, yet a very important part of the financial statement had been developed, and they had even been able to go so far as to propose a remission of taxation. Was it fair, then, to represent these two instances as parallel cases to the present? In a very important particular, so far from being similar cases, they were directly opposed. His right hon. Friend, the Chancellor of the Exchequer, had admitted, that in the condition of our commercial and financial affairs, there were many circumstances which made it a difficult task to give an estimate of this description. His right hon. Friend had not yet proposed or even intimated, what measures he should feel it his duty to propose to meet the financial difficulties of the country, whatever they might be. He asked the House, whether any Parliamentary grounds had been stated, whether any valid reason had been assigned, why this novel and indeed unprecedented course should be taken of forcing a Chancellor of the Exchequer into a course which had never been imposed upon his predecessors. The right hon. Gentleman opposite seemed to feel that there was a particularly strong argument against his motion on the score of novelty, for he stated that if he proposed an extraordinary course, the truth was, they were placed in extraordinary circumstances. He did not find that there was any great difference of opinion with regard to the financial condition of the country, but it was generally admitted that the financial condition of the country was calculated to excite any thing but despondency or alarm either in that house or with the public, while at the same time it was admitted that there was a deficiency, an accumulating deficiency, which it was the duty of the House and the Government to look in the face, and adopt such measures as were necesary. The case would be materially altered if the Government, in the course of the session, had endeavoured to conceal from the House the situation of the country; but the right hon. Gentleman himself had admitted that the Prime Minister and the noble Lord, the Secretary for the Colonies, had volunteered a statement, that they considered the financial condition of the country was deserving of the attention of that House and of Government. He therefore really did not see upon what it was that the right hon. Gentleman rested his case in asking the House to assent to this part of the proposal. He begged the House to remember that there was but one part of the return objected to. He did not know that it was necessary for him to trouble the House at greater length. He had felt desirous to call the attention of the House to the only point in dispute, and which he felt it his duty to oppose as being unfair and wholly unprecedented.

Sir *G. Clerk* almost felt it necessary to apologise to the House for venturing to address them after the able speeches of his right hon. Friend who brought the motion forward, and his right hon. Friend the Member for the University of Cambridge, to which hitherto no answer had been given. The President of the Board of Trade, at the commencement of his address, remarked, that many persons had come into the House since the commencement of the debate. He appealed to those who had not the benefit of hearing the previous speeches, whether they had heard from the lips of the President of the Board of Trade, one single reason for refusing the motion. That right hon. Gentleman founded his argument on want of precedent, and stated, that similar demands had been successfully resisted, although his right hon. Friend had quoted precedents where former Governments did not object to lay before the House estimates of the income of the country for a future year. But even for a moment supposing there was no precedent, were not the circumstances of the country, with respect to its finances, so unprecedented as to demand a departure from the customary course? The hon. Member for Kilkenny had said, that when he sat on the Opposition side of the House, he had frequently made a similar demand to the then Government, and it had been refused. Probably, that was because the Chancellor of the Exchequer was about, in the course of a few days, to make his financial statement. He rather thought that was the case; but, be it as it might, he would now state to the House the reasons assigned by a Tory Chancellor of the Exchequer, in an unreformed Parliament, for assenting to that which a Whig Chancellor of the Exchequer in a reformed House of Commons thought proper to refuse. On the 23rd of February, 1824, within three weeks after the meeting of Parliament, Lord Ripon said,

> "In conformity with the course I adopted in the last Session of Parliament, I take the earliest opportunity of opening to the House, the view which his Majesty's Government take of the present situation, and future prospects of our finances."

And he went on to state the reasons why he adopted that course:—

> "In time of war a proceeding of this kind is obviously impracticable, because the various changes and exigencies to which a state of hostility necessarily gives rise, render it impossible that her Majesty's Government should be able, at so early a period, to present to the House of Commons any precise estimate of the supplies, which circumstances may make it imperative on them to require in the course of the year. In time of peace, however, no such difficulty exists. Such a course enables the House to watch with more vigilance and jealousy any proposition which his Majesty's Government may submit to it, and gives it an opportunity of entering into a more attentive and detailed examination of all these branches of income and expenditure, in the regulation of which the interests of the country are so deeply involved."*

If these reasons operated when Lord Ripon was at the head of the financial affairs of the country, he was quite at a loss to know what reasons the Chancellor of the Exchequer could now have for acting in a contrary manner. No doubt, that right hon. Gentleman said, that the financial year was changed, and that was the only reason he adduced for his refusal of the motion; but he could not conceive why that fact should form a ground for the refusal. The noble Lord at the head of the Government, had admitted in a long debate in the other House, some time since, that the finances of the country were in a state of great difficulty. But how did the noble Lord opposite act now? With 308 Gentlemen behind him to vote confidence in his Government on a late occasion, he would not now reciprocate that confidence by giving them the slightest insight into the probable condition of the country on the subject of finance; he refused to supply them with the means of ascertaining the state of the affairs of the nation for the current year. The noble Lord had, on this occasion, thrown himself on the pity of his opponents, to aid him against those who voted confidence in him so very recently; and after throwing all the obloquy he could then muster on the Tory party, charging them with disloyalty and insult to the Sovereign, he now appealed to them for sympathy and aid—realising almost the expression of *Shylock*—

> "He would have moneys."

If, however, the noble Lord hoped by that appeal to win them to support the imposition of any fresh burdens on the country, he could assure him beforehand that he need look for no countenance from the Conservative side of that House. He agreed with the hon. Member for Kilkenny that the Chancellor of the Exchequer, finding himself unable to offer any arguments against the return moved for by the right hon. Gentleman, endeavoured to divert the attention of the House from the subject by instituting comparisons between the present Government and that in which the right hon. Gentleman the Member for Cambridge was at the head of the financial department of the country. The answer of his right hon. Friend, however, was so satisfactory to the House on that subject that it left him nothing to say in addition, more than it left the Chancellor of the Exchequer a bit of ground to stand on. But when the hon. Gentleman proceeded to compare the Government of the Duke of Wellington, in 1829-1830, in the matter of expenditure, to his own Government, he felt called on to say that a fair statement was not made on the subject. The hon. Gentleman chose to go into the question of averages; that suited his purpose, but it was not sufficient for the purposes of truth. In 1827, 1828, and 1829, there was successively a large decrease in the expenditure of the country; since the time Lord Melbourne was in power, in 1837, 1838, and 1839, there had been a large increase in it. In 1834 a reduction of two millions would then have been a fair average, but now there was nearly that much increase. The present Government succeeded that of the right hon. Baronet the Member for Tamworth, in 1835, at a time when all possible reduction had taken place, when salaries were cut down to the lowest figure, and when every expense was curtailed to the utmost possible amount. At that period the expenditure, exclusive of the miscellaneous estimates, was 13,800,000*l.* In the year 1837, however, that expenditure had increased to 14,392,000*l.*; in 1838, it had risen to 15,000,000*l.*; in 1839, to 16,000,000*l.* in round numbers; while in the probable estimates for the ensuing year, 1840, it was averaged at 17,493,545*l.* Thus there was an increase on the expenditure in four years, of 3,690,000*l.* When the profligacy of former Governments was complained of by hon. Members opposite, they would, he hoped, bear in mind those facts. He would next compare the whole expenditure and income of the country under the Duke of Wellington's Government of 1830 with that under the present Administration. In 1830 the net income of the country was 50,560,616*l.*; in 1840 it was only 47,844,800*l.*, showing a clear diminution of 2,715,816*l.* In 1830 the expenditure of the country was 47,143,000*l.*; in 1840 it was 49,357,000*l.*, showing a clear increase of expenditure over income of 2,214,000*l.* The result being, that instead of a surplus of income above the expenditure, as in 1830, of 3,000,000*l.*, the income was deficient by about a million and a half. As to the change in the Post-office revenue department, and the reduction was allowed on all hands to be certain, he (Sir G. Clerk) thought that one of the reasons why the papers moved for should be produced, was, that the House might see the probable effect of that change upon the finances of the country at as early a period as possible. The Chancellor of the Exchequer had argued that no accurate returns could be made from that department for some months, but he could not agree with the right hon. Gentleman in that respect; and he did not know why the right hon. Gentleman should have been so premature in bringing his plan into action before his arrangements were completed, unless he had made a compact with some of his supporters last year. The right hon. President of the Board of Trade had argued that the production of the returns would cause inconvenience to the public service, while the only ground of refusal alleged by the Chancellor of the Exchequer was, that he did not think he would be able to form the estimate required. There certainly was no unity in these objections, and therefore he felt called upon to reject them. There was no proof given in support of the one, and no argument alleged in favour of the other; and he believed the real ground of refusal was the cheerless prospect which their production would hold out for the Government. He believed, however, that, though the appearances were bad, the general resources of the country were not affected, which were now nearly as great as in the year of unexampled prosperity alluded to in the course of the debate. He did not think that any evil would be produced either on the commercial or money-market by a fair and full statement of the probable income and expenditure: he was confident that, on the contrary, it would remove much apprehension which existed in the country as to the loss of revenue, and the great additional expenses to be incurred this year. The right hon. Gentleman had not stated what were the nature of the taxes he was to lay on—whether it would be better that that announcement should be postponed until they knew the result of the great Post-office experiment, or whether it would be better to raise the deficiency, if any, by some fresh taxes, or by reverting to the old system of postage. That must depend upon the general feeling of the country, whether it conceived the former imposition of postage a more onerous burden than having the same amount of tax laid on some more necessary article of consumption.

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* Hansard, Vol. x. New Series p. 304.

Mr. *Herries* replied. The information he moved for was admitted on all hands to be of the greatest importance to the country, and it was now for the House to decide whether or not it should be required. With respect to what had been urged against his motion, he appealed to the House, and he challenged any hon. Member who heard the debate, to say whether any reasonable objection had been raised to it, whether any allegation of impossibility had been put forth, whether any statement had been made on the part of the Government which should induce him to abstain from pressing the question to a division.

The House divided:—Ayes 182; Noes 172: Majority 10.

List of the Ayes.

Acland, T. D.
A'Court, Captain
Alsager, Captain
Arbuthnott, H.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bailey, J.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, H. B.
Barrington, Lord
Bell, M.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Cantilupe, Lord
Cholmondeley, hn. H.
Clive, hon. R. H.
Cochrane, Sir T.
Cole, Lord
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Darby, G.
D'Israeli, R.
Douglas, Sir C. E.
Duncombe, W.
Duncombe, A.
Du Pre, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. E.
Ellis, J.
Fector, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. J.
Follett, Sir W.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Godson, R.
Gordon, Captain
Gore, O. W.
Goring, H. D.
Goulburn, H.
Graham, Sir J.
Granby, Marquis
Grant, F. W.
Grimsditch, T.
Grimston, Lord
Grote, G.
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Heneage, G. W.
Hepburn, Sir T.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W. A. C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Hume, J.
Ingestre, Lord
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
James, Sir W.
Jermyn, Lord
Jervis, S.
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Law, hon. C. E.
Liddell, H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mahon, Lord
Meynell, Captain
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Neeld, J.
Neeld, J.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Palmer, G.
Parker, R. T.
Peel, Sir R.
Perceval, Colonel
Pigot, B.
Planta, J.
Polhill, F.
Pollock, Sir F.
Powell, Colonel
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, Sir W.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Lord
Scarlett, J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotherton, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stormont, Lord
Sugden, rt. hn. Sir E.
Sutton, hon. J. H. T.
Teignmouth, Lord
Tennent, J. E.
Thompson, Mr. Ald.
Trench, Sir F.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Lord
Vivian, J.
Waddington, H. S.
Welby, G.
Whitmore, T. C.
Wilmot, Sir J.
Wood, Colonel T.
Wynn, C.
Young, J.
Young, Sir W.

TELLERS.
Clerk, Sir G.
Fremantle, Sir T.

List of the Noes.

Abercromby, G.
Adam, Admiral
Aglionby, Major
Alston, R.

Archbold, R.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. D.
Brotherton, J.
Bulwer, Sir L.
Busfeild, W.
Byng, G.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Chapman, Sir M.
Clive, E. B.
Collier, J.
Collins, W.
Corbally, M. E.
Craig, W. G.
Crawford, W.
Curry, Sergeant
Dalmeny, Lord
D'Eyncourt, C. T.
Divett, E.
Donkin, Sir R. S.
Dundas, F.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Ellis, W.
Erle, W.
Evans, Sir De L.
Evans, W.
Ferguson, Sir R.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, Sir P.
Ford, J.
French, F.
Gillon, W. D.
Gordon, R.
Greg, R. H.
Greig, D.
Grey, Sir G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, F. J.
Howard, P. H.
Howick, Lord
Humphery, J.
Hutton, R.
James, W.
Labouchere, H.
Lambton, H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lushington, C.
Lushington, S.
Lynch, A. H.
Macaulay, T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund, Lord
Morpeth, Lord
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmerston, Lord
Parker, J.
Parnell, Sir H.
Pattison, J.
Pechell, Captain
Phillips, Sir R.
Pigot, D. R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rich, H.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, rt. hon. R.
Shelborne, Earl
Smith, J. A.
Smith, B.
Smith, R.
Somers, J. P.
Somerville, Sir W.
Stansfield, W. R. C.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, J.
Street, E.
Style, Sir C.
Surrey, Earl
Talfourd, Sergeant
Tancred, H. W.
Thornley, T.
Townley, R. G.
Troubridge, Sir E.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C.
Vivian, J. H.
Vivian, Sir R. H.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Williams, W. A.
Winnington, Sir T.
Wood, C.
Wood, Sir M.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Steuart, R.

Paired off.

AYES.	NOES.
Mr. C. Forrester	Colonel Anson
Mr. Pakington	Mr. Horseman
Mr. Archdall	Lord Leveson
Mr. Palmer	O'Connor Don
Mr. Mackinnon	Sir G. Staunton
Mr. Green	Mr. Sandford
Mr. Barneby	Captain Winnington
Mr. Bradshaw	Sir R. Dundas
Sir J. Walsh	Mr. Oswald

MIDNIGHT BUSINESS.] Mr. *Brotherton* rose to move, pursuant to his notice, that no new business which shall be objected to by any five Members be brought on after twelve o'clock at night. The hon. Member said, that every session complaints were made by Members that Bills were gone through over night which they wished to take part in, but found that they were too late when they looked into the "Votes" next morning. He thought the rule he proposed would much facilitate public business. If it were understood that the business was to be gone through before midnight, he thought the House would contrive to find time to do it in. He believed the British Parliament was the only public assembly in the world that did its business by night. It was most important that the public should know what they were doing, but during the debates on the question of privilege it was found that a great portion of their proceedings were gone through too late to be published, and the House might as well have been doing nothing all that time.

Lord *John Russell* said—Sir, it does not seem to me to be necessary to pass any motion on this subject. Where five Members object seriously to any business after midnight, it is evident that no motion can be brought forward. But in a case of great importance it would evidently be unwise to give Members such a controlling power. I cannot agree with the hon. Gentleman who seconded the motion. I think there is no prudence in saying that persons, having other occupations, might be absent from the House, and that the business could be transacted by those Members who are able to attend during the day. As to official persons, I believe that I devote as much time to the business of this House as I possibly can. With official business and parliamentary business I have been occupied about twelve hours this very day; and if I were to attend here in the morning, I must do the official business in the evening; but then you will lose the advantage of having lawyers in the House, for they cannot prevent the Courts of Law from sitting during the day. On these grounds, therefore, I do not think it expedient to agree to the motion of the hon. Gentleman.

Sir *R. Peel* said, I think it unnecessary to enter into the discussion of any general question whether a great change ought to be made in the conduct of public business in this House. Some may think it better that the House should meet at ten o'clock in the morning, but I do not consider it necessary to enter upon that question, further than to suggest the extreme difficulty of so total a change. But I object to this motion on other grounds. It appears to give a sort of Parliamentary sanction to commencing new business at half-past eleven; for observe, the power of five Members to object does not commence until the clock has struck twelve; and what a strange position of things it would be, that five Members should be waiting till the clock struck before they could object to the House proceeding with any new business, and that after that they should be invested with a power of objecting to any. There is much business which I should object to commencing at half-past eleven. I might object to bringing on a motion of great importance at eleven; all depends upon circumstances. If there was likely to be an adjourned debate, and the mover would have the opportunity of making a criminatory speech, without the possibility of an answer being given to it, I might object to proceed after half-past ten; therefore I say it is impossible to lay down any definite rule for the guidance of the House upon the subject. But now assuming that the House sits till twelve, according to the present practice, if three or four Gentlemen only persist in objecting to any further business, I defy a man to bring forward a motion, if the sense of the House is against him; and even suppose a small minority is overruled, are they without a remedy? Not at all; they can resort to that remedy which the forms of the House allow—moving an adjournment. I have, further, a decided objection to giving to five Members any such power as this of controlling the majority. It is quite true that a single Member has the power of clearing the gallery; but then that is so because the rule of the House is not to allow strangers to be present at all; and it is merely necessary for a Member to notice the fact of their presence in order to secure their exclusion. But to say that five men should be clothed with the absolute power of preventing the House from proceeding with any new business after a certain hour, would, in my opinion, only lead to cabals and conspiracies, against the progress of particular measures. If the sense of the House is at any time in favour of commencing new business, is it right that five Members should have the power of controlling that decision? Upon these grounds I decidedly object to the motion of the hon. Gentleman.

Mr. *Brotherton*, in reply, said, that during the present session the House had often sat very late, but nothing had as yet been done which would infringe on his motion. As to the suggestion of the right hon. Baronet that Members could move the adjournment, he would only say, that a great deal of time was often lost by debates on questions of adjournment, and one object of his motion was to remedy that inconvenience.

The House divided:—Ayes 25; Noes 145; Majority 120.

List of the AYES.

Aglionby, Major
Blake, M. J.
Brocklehurst, J.
Busfeild, W.
Callaghan, D.
Collins, W.
Gillon, W. D.
Greig, D.
Hector, C. J.
Hume, J.
James, W.
Langdale, hon. C.
Morris, D.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
Pattison, J.
Salwey, Colonel

Scholefield, J.
Smith, B.
Vigors, N. A.
Villiers, hon. C. P.
White, A.
Williams, W.
Wood, Sir M.

TELLERS.

Brotherton, J.
Ewart, W.

List of the NOES.

Acland, T. D.
Adam, Admiral
Alston, R.
Attwood, W.
Bagge, W.
Baines, E.
Baring, rt. hon. F. T.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Bridgeman, H.
Broadley, H.
Broadwood, H.
Campbell, Sir J.
Cholmondeley, H.
Clerk, Sir G.
Corbally, M. E.
Courtenay, P.
Craig, W. G.
Curry, Mr. Sergeant
Darby, G.
D'Eyncourt, C. T.
Divett, E.
Douglas, Sir C. E.
Duncombe, hon. A.
Dundas, Sir R.
Elliot, hon. J. E.
Ellis, W.
Evans, W.
Filmer, Sir E.
Fleetwood, Sir P. H.
Gaskell, J. Milnes
Glynn, Sir S. R.
Godson, R.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Viscount
Hamilton, Lord C.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hill, Lord A. M. C.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Hutton, R.
Inglis, Sir R.
Jones, J. H.
Kirk, P.
Knatchbull, Sir E.
Knox, hon. T.
Lennox, Lord G.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lushington, C.
Lushington, S.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund Viscount
Meynell, Captain
Miles, W.
Miles, P. W. S.
Muntz, G. F.
Murray, A.
Norreys, Sir D.
Norreys, Lord
Packe, C. W.
Palmerston, Lord
Parker, J.
Parker, R. T.
Peel, rt. hon. Sir R.
Perceval Colonel
Perceval hon. G. J.
Pigot, D. R.
Pigot, R.
Pinney, W.
Pryme, G.
Rae, rt. hon. Sir W.
Ramsbottom, J.
Redington, T. N.
Rickford, W.
Roche, E. B.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherford, A.
Scarlett, J. Y.
Shaw, F.
Sheil, R. L.
Sheppard, T.
Sibthorp, Colonel
Smith, R. V.
Somerville, Sir W. M.
Sotherton, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stuart, Lord J.
Stuart, W. V.
Stormont, Viscount
Strutt, E.
Sutton, J. H. T. M.
Tancred, H. W.
Thornley, T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Vivian, J. H.
Vivian, J. E.
Waddington, H. S.
Wallace, R.
Warburton, H.
Whitmore, T. C.
Winnington, Sir T. E.
Wise, T.
Young, J.

TELLERS.

Stanley, E. J.
Stuart, R.

PRIVILEGE.—STOCKDALE *v.* HANSARD —THE SHERIFFS.] Sir *M. Wood* said that, from the information which he had received, he understood that to-morrow morning, at eleven o'clock, the writ of inquiry which had been sued out in the fresh action of Stockdale *v.* Hansard would be signed and sealed by the signers and sealers, who were officers of the Court of Queen's Bench. Now, therefore, the House had it in its power to interfere before the sheriffs were again involved in the proceedings, and he called upon the House to consider the hardship of their situation. Already one of them had been nearly destroyed in that House. [*a laugh.*] Some Gentlemen might laugh, but it was no laughing matter; and he ventured say those hon. Gentlemen would not laugh if they were in the same situation. The gentleman to whom he alluded was to day very unwell, and had gone into the country for the purpose of endeavouring to recruit his strength; he knew that though he had before been a man in the habit of taking active exercise, latterly he was not able to walk down to the water-side, as far as the indulgence of the Sergeant-at-arms would allow him. He thought the time had come when both those gentlemen ought to be liberated—but if they were not liberated, at least the House ought not to plunge them into another difficulty. The damages in this fresh action were laid, he believed, at 30,000*l.* —[" 50,000*l.*"]—well, then, at 50,000*l.* To-morrow morning the writ of enquiry would be signed and sealed; that step might be stopped by that House; and if it were not so stopped, surely they would not afterwards proceed against the sheriffs? If they were immediately to pass a resolution preventing two gentlemen from signing and three from sealing the writ of enquiry, the whole proceedings would be stopped at once; and he therefore moved " that Mr. Speaker be directed to order Wm. Prevot and Thos. Chamberlayne not to sign any writ of enquiry in a cause now pending of Stockdale *v.* Hansard, and that John Penlow be directed not to seal any writ of inquiry in the case of Stockdale *v.* Hansard."

Sir *R. Inglis* questioned how far this was a matter of privilege, so as to be entitled to precedence of motions on the paper; but independently of that, he objected to the motion, as containing an assumption of power on the part of that House, for which there was no precedent. Upon the first point he appealed to the Speaker.

The *Speaker* said, the motion had already been made and seconded.

Mr. *O'Connell* said, there could be little doubt that this was a matter of privilege; but he doubted whether the motion could be made in its present form. He doubted whether the House had the power of ordering those officers not to do a certain thing, though it had the power of declaring that the doing of it was a breach of privilege. He agreed with the worthy Alderman in thinking it desirable to stop the progress of the action before the sheriffs were again involved. He begged to remind the House that Mr. Howard, being in prison, must be carrying on the present action by his agents or clerks; and if they prosecuted him for so doing, they ought equally to prevent his managing clerk, Mr, Pearce, or any other agent of his, from acting in his name. He, however, thought it better to wait till to-morrow, and they then could act upon the further information which they might receive.

The *Attorney-General* said, the motion was of much importance, and he wished notice had been given of it—but he felt it his duty to say that in the present state of affairs it was not, in his opinion, expedient to agree to the motion—and that at all events more deliberation was necessary. He and his hon. Colleague had deliberated on the matter, and they were not then prepared to recommend that course to the House. He would not discuss the contrast between the sheriffs and the officers of the court; but it would be easy to point out many distinctions between the two, which would justify a different line of conduct towards each. For the present, however, he would content himself with moving the previous question.

Mr. *Hume* said, they had heard that a proceeding would take place to-morrow, by which the question of damages would be again submitted to a jury. To be consistent ought they not to stop every individual who took part in that proceeding? If they did not, what was the use of stopping the attorney?—and who so important as the sealers and signers of the writ of inquiry, the officers of the Court? The House ought not to subject itself to being laughed at in consequence of its continued proceedings of this kind. Why the Attorney-general should object to a resolution now, when the proceeding was to take place to-morrow he could not understand. He had been informed that in the last case, if the order of that House had been sent directly and officially to the sheriffs, instead of their receiving it through Mr. Parkes or some other person, of whose connection with the House they knew nothing, it would have been treated in a very different manner. Now, if they acted upon their resolution, that all persons aiding and abetting in the furtherance and promotion of this action were guilty of a breach of privilege, the great difficulty would be avoided.

Mr. *Warburton* thought that if the information of the hon. Member were correct it was perfectly unnecessary to interfere at the present stage of the proceedings. because, if it was true, that in the former action the sheriffs would have obeyed the order of the Speaker had it been directly and officially communicated, they would also obey his order in the new action and they certainly did not know whether the officers of the Court of Queen's Bench would act in conformity with the resolution of that House, upon its being communicated to them. If, therefore, the statement was correct, it appeared to him that they had better allow the matter to proceed until the sheriffs had some duty to perform; then the Speaker need only address the resolutions of the House direct to the sheriffs, those orders would be obeyed, and then the privileges of the House would be satisfied.

Mr. *Hume* said, he had stated no such thing; he referred only to what he understood would have been done in the former action.

Mr. *John Jones* had certainly understood the hon. Member for Kilkenny to say that the sheriffs had been served in a way in which they had no right to obey the order of the House; but that if the pleasure of the House was properly and officially communicated they would obey it. Now, if that were the case, the sheriffs ought at least to be indemnified against any action to which they might become liable by obeying the orders of that House.

Captain *Boldero* wished to know what objection there could be to allowing the sheriff to go at large if he gave his word of honour that he would be forthcoming at any moment, because he would still be their prisoner.

Mr. *Kelly* said, that, according to his view of the case, no officer, attorney, counsel, or judge, could be guilty of a breach of the privileges of that House by merely discharging their duties in commencing, furthering, advocating, or deciding an action; but as the majority had decided that it was a breach of privilege to do any act in promotion of such an action as this, the motion of the hon. Alderman was entitled to more attention than it had received, because it was a direct appeal to the House to say whether they would not to-morrow morning give warning to those officers, whom to-morrow evening they might declare guilty of contempt, and consign to imprisonment, not to do that act which might subject them to such serious consequences. He now called upon the House to give those officers that intimation and warning, that they might not unwarned incur that punishment which had fallen so heavily, and he would venture to say so unjustly, on other officers who had done no more than their duty; at least he trusted that the majority of that House, if they would not accede to the motion of the hon. Alderman, and if at a future time they should be called upon to visit those other officers with punishment, would remember that they had refused to give them warning of the danger which they incurred, and would act with a greater degree of lenity, and with more justice and less oppression, than had been shown towards the sheriffs.—Motion negatived.

HOUSE OF LORDS,

Friday, February 14, 1840.

TRADE OF INDIA.] The Marquess of *Lansdowne* would take the opportunity of presenting a petition of the greatest importance, not only in consideration of the body from whom it came, but also in consideration of the vast population to whose interests it related. Not being prepared to originate any motion, or to express any opinion of his own, or any opinion on the part of the Government, respecting the many subjects this petition embraced, he should confine himself to the duty of stating distinctly the substance of the petition to their Lordships. The petitioners were the directors of the East India Company, who in pursuance, as they stated, of that duty which they had always felt to be incumbent upon them, that of promoting the interests of that population, now increased to so many millions which was confided to their care, thought it expedient, solemnly and distinctly, to call the attention of the Legislature of this country to the complaints respecting the commercial disabilities affecting those interests. Without giving any opinion as to any practical measures that might be applied to remedy those complaints and representations, he was sure that he did no more than express not only the feelings of the Government, but of their Lordships, when he said that they were at all times prepared, as far as policy and circumstances would admit, to encourage the industry of the natives of India. It was represented by the petitioners, that although some measures had recently been taken to encourage the Indian trade, those measures were still in many respects essentially deficient, and that the India population were still deprived of the benefit which, as composing an important part of the dominions of this country, it was entitled to, being a peaceful, a loyal, an attached, and an industrious population under the British monarchy. The first point adverted to by the petitioners was that of the duty on sugar. They stated, that although it was true, Bengal sugar was now admitted into the British possessions upon the payment of a duty equal to that paid upon West Indian and American sugar, yet with respect to all the other Presidencies that measure was accompanied with so many restrictions that their sugar was not admitted for British consumption upon equal terms. With regard to many other commodities, the same restrictions continued to exist. They stated that this circumstance arose in consequence of the legal ambiguity of the term, "Her Majesty's dominions," and the term, "British possessions." A great many portions of the Indian empire which deserved to be included in the facilities afforded to Indian commerce, and more especially the Mysore country, were deprived of that facility and encouragement. The petitioners therefore prayed their Lordships to give a more extended, and, in some respects, a more definite and precise interpretation to the term "British possessions." Another point to which they referred was, the extent to which Indian manufactures had been extinguished by the importation of English manufactured goods. They thought it was but reasonable, that, if the products of English industry were admitted free of duty in India, so Indian produce should be admitted free of duty for British consumption, or at least upon terms on a par with the produce of other parts of the British dominions. With regard to spirits, there was a greater difference between the produce of India and of the West Indies, than perhaps in any other commodity. That difference reached as high as 8*s*. or 9*s*. They prayed that that difference should be removed, and that in this respect also, there should be no difference between Bengal, and the other Presidencies. They further stated the injurious operations of the navigation laws, as affecting the population of India, and they prayed that those laws should be revised, as regarded the employment of native Indians in British commerce. They next adverted to the large extension of the growth of tea in Assam, which held out expectations that Assam would be able to furnish a large proportion of the supply of that article to Britain. They therefore appealed to their Lordships, to consider, as that supply increased, whether it would not be fit to encourage its cultivation by a discriminatory duty on tea, the produce of British territories. These were the different topics dwelt on in the petition, all involving very important interests, and which could not be approached without great consideration. At the same time he was convinced that if their Lordships were not prepared to entertain any measure having for its object the giving immediate relief to the petitioners on the points alluded to, they would have no hesitation in assenting to the general policy of promoting, whenever they had the means of doing so with safety, the growth of the produce, manufactures, and industry of the immense mass of the industrious and loyal population of India; and that, while they had succeeded in civilizing them for the purposes of war, by disciplining them and making them instruments of war, they would not be less able or willing to improve them in the arts of peace, and assist in the developement of that industry which no persons who had recently made themselves acquainted with the state of the country, and the improvement of its population, could doubt they were capable of attaining, in the progress of time, under the fostering care of a paternal government. He therefore hoped the petition would meet the consideration of their Lordships; and, as he should not have another opportunity of bringing the subject before their Lordships, he begged it might be read by the clerk.

Petition read.

Lord *Ellenborough* was not aware of the intention of the noble Marquess to present this petition to-night; and although he yesterday saw the petition in the newspapers, yet, not having been previously acquainted with it, he had not had an opportunity of giving that consideration to the subject-matter of it which he was desirous of doing, before he expressed an opinion upon the many important topics it involved. He thought it must be matter of disappointment to the petitioners, the noble Marquess having undertaken to present the petition, that he should not have been able to broach any opinion whatever with respect to the expediency or inexpediency of complying with any one portion of his prayer. He must say, from the cursory view he had been able to take of the matter, that there appeared to be a very great deal of reason in many of the complaints, and many of the demands made by the petitioners. It did appear to be a very great grievance that, at Ceylon, the cotton goods of Great Britain should be charged with a duty of 5 per cent. only, while those of India should be charged with duties varying from ten to twenty per cent. In one point of view, however, the Indian Government had the remedy in their own hands; and if the Imperial Parliament would not act with generosity and liberality towards India, as the Indian Government had acted with regard to British commodities imported into that country, it must be expected that that Government would act in obedience to their first duty, which was that of consulting the benefit of the people of India. If it should be found that the Imperial Parliament would not act with reciprocity towards India, the consequence would be that the duty on British goods imported into India would be increased. While a duty of only $3\frac{1}{2}$ per cent. was imposed upon British silks imported into India, in no case was the duty on cotton goods of India brought to an English port at less than 10 per cent., while on India silk piece goods the inequality was still greater, they being subjected to a duty of 20 per cent. He was willing to go a great deal further than the noble Marquess. The noble Marquess had said, that he was prepared to do all that policy and circumstances would permit. He was ready to do all that policy and circumstances could demand. It appeared to him that there was no higher duty their Lordships had to perform than that of protecting the interests of the people of India. They had no representatives of their own in the British Parliament: the Reform Bill had deprived them of that benefit. They were entirely at the mercy of the Parliament of this country, and therefore, they had the highest claim upon their Lordships, and were as much entitled to the paternal care and regard of Parliament as any portion of the people within the dominions of this country. He thought it was really a matter of consideration whether a petition of this importance should not be referred to a committee for the purpose of investigation, in order to ascertain how far it would be expedient to comply with its prayer.

The Marquess of *Lansdowne* begged to state, in explanation, that the noble Lord must have misunderstood him exceedingly, if he had understood him (the Marquess of Lansdowne) to say that no measure could be founded upon this petition, or upon these representations. The petitioners, with whom he had communicated on the subject previously to presenting the petition, could not be disappointed with any explanation or omission of explanation, inasmuch as he had told them that it was not in his power, neither would it be fitting in the present state of the finances of the country, for him to declare any opinion as to what might be done in consequence of their petition. The noble Lord must be aware that it would be exceedingly unwise for them to excite any expectations which could not afterwards be realized. He fully agreed with the noble Lord in opinion as to the duty of Parliament attending to the interests of the Indian people, and taking into their serious consideration all the circumstances in which their future interests were involved, identified as those interests were with the general welfare of the whole empire. He agreed with the noble Lord that they were more peculiarly entitled to the attention of their Lordships upon the score of justice, inasmuch as they were not (as stated by the noble Lord) represented in either House of Parliament But they were entitled also from the generosity much more than from the justice of their Lordships to the fullest hearing of their representations which either the East India directors or others might be advised to make. The petitioners had thought it would be an advantage to the people of India that their wants should be distinctly made known, and having been made known, he was sure they could not fail to engage the attention both of the Government and of the Parliament.

Petition laid on the table.

THE QUEEN'S MARRIAGE—CONGRATULATORY ADDRESS.] Viscount *Melbourne* rose to propose an Address of congratulation to her Majesty on her marriage. He was so certain that there would be an unanimous feeling upon the subject which he was about to propose to their Lordships, that he did not think it necessary to occupy their Lordships' time by making any prefatory observations. He should, therefore, proceed to move

> "That a humble Address be presented to her Majesty to congratulate her Majesty on the auspicious occasion of her Majesty's marriage, and to assure her Majesty of the great satisfaction which this House feels at an event which is a fresh instance of her Majesty's regard for the interests of her people, and of so much importance to her Majesty's domestic happiness, and to the welfare of the country."

The Earl of *Aberdeen* said, the conviction which the noble Viscount had expressed, that this motion would meet with the unanimous assent of their Lordships, rendered him unwilling to permit this occasion to pass without giving expression to the feelings of sincere satisfaction which were felt by noble Lords on his side of the House. He could not help saying that the circumstances under which this connection had been formed were most fortunate. It was very fortunate that persons in the exalted situation of her Majesty should be enabled to gratify those emotions of the heart, and to act under those influences which Providence had generally reserved for persons of inferior stations of life. Upon this occasion he could not but consider that the event had been most auspicious, and their Lordships had only to pray, that the issue might be equally prosperous. It would be unpardonable in him to enlarge upon a subject upon which there could be no difference of opinion; he therefore would content himself with declaring that he most cordially gave his support to the motion of the noble Viscount.

The Marquess of *Londonderry* said, it was not his intention to trespass long on the attention of their Lordships; but whatever appellation might be given to him by noble Lords, whether that of a decided Carlist or of any other sect, he believed there was no individual subject of the realm more anxious than himself that this auspicious event should carry with it every possible happiness to their illustrious Sovereign, and be of the greatest advantage to the country. He had offered himself to their Lordships' notice, from a circumstance connected with the illustrious Prince now, happily for himself, and happily, he hoped, for the country, united with her Majesty. It was a circumstance which, if they could judge of the child from the sire, was most propitious. He had had the honour, many years ago, when ambassador at Vienna, to be intimately acquainted with the illustrious father of the Prince; and he could fairly say, that amongst the great princes assembled at that time there was not an individual of higher principles, higher character, or greater worth; and he would venture to hope that the illustrious Prince inherited all those eminent qualities which so greatly distinguished his father, whom they had the happiness to see in this country on this auspicious occasion. He hoped also the noble Viscount would give their Lordships the satisfaction on this occasion of carrying up the address to her Majesty by the whole House. On a former occasion, many of their Lordships were disappointed that they had not had notice, and were thus prevented from attending. He hoped that on the present occasion the noble Viscount would do them justice, and allow the whole body of the House to go up, and that the noble Viscount would inform them of the time of meeting. He could not forget that the last time the whole House went up to the Throne, it was on an equally important occasion, that of upholding the altar, and he did not think their Lordships would be less anxious to express their congratulations in support of the Throne.

Viscount *Melbourne* believed, that on the occasion to which the noble Marquess had referred, the usual notice was given. The motion was printed in the votes, and that was all the notice that was ever given on such occasions, and all that could be required. The same course would be pursued on the present occasion.

Address agreed to *nem. con.;* to be presented to her Majesty by the whole House.

MESSAGE TO PRINCE ALBERT.] Viscount *Melbourne:* I have now to move your Lordships—

"That a Message be sent to his Royal Highness Prince Albert of Saxe Coburg and Gotha, to congratulate his Royal Highness upon his marriage, and to express the joy and satisfaction which this House feels, upon seeing the ardent wishes of a faithful people fulfilled by her Majesty's wise and happy choice, and by her union to a Prince distinguished by a descent so illustrious, and by a character formed to support and adorn his exalted station; and that the Lord President, the Marquess of Anglesea, and the Earl of Ripon, do carry the said message."

Agreed to.

MESSAGE TO THE DUCHESS OF KENT.] Viscount *Melbourne:* I believe, my Lords, that there is no exact precedent for the course I am about to pursue; but when I state what it is, I apprehend that there will be no difference of opinion amongst your Lordships as to its propriety. Indeed the only blame I can impute to myself upon the point is, that I did not foresee the propriety of it some time ago, and give your Lordships due notice of it. The course that I propose is, that considering the near relationship that exists between her Majesty and her Royal Highness the Duchess of Kent, a congratulatory Message on this occasion be sent to her Royal Highness. I have, therefore, to move your Lordships,

"That a Message be sent to her Royal Highness the Duchess of Kent, to congratulate her Royal Highness upon the marriage of her Majesty; an event so deeply interesting to the maternal feelings of her Royal Highness, and so conducive to the happiness of her Majesty;

and that the Lord President, the Marquess of Anglesea, and the Earl of Ripon, do carry the said message."

Agreed to.

HOUSE OF COMMONS,

Friday, February 14, 1840.

MINUTES.] Bill. Read a third time :—Transfer of Aids.

Petitions presented. By Lord G. Bentinck, from the Corporation of York, and Mr. T. Hope, from Gloucester, for the Liberation of the Sheriffs of London and Middlesex.—By Messrs. Leader, Duncombe, Ewart, and Williams, from several places, for a Free Pardon to Frost, Jones, and Williams.—By Mr. Ewart, from Birmingham, Mr. Hume, from Horsham, and Mr. T. Duncombe, from St. Pancras, to the same effect.—By Messrs. Baines, Brotherton, Sanford, and Hawes, from a number of places, for the Release of John Thorogood, the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts.—By Messrs. Bridgeman, V. Stuart, Sir William Brabazon, Sir William Somerville, and the O'Connor Don, from a number of places, for Corporate Reform, and an Extension of the Franchise in Ireland.—By Sir William Molesworth, from County Tyrone, in favour of, and by Mr. Labouchere, from Belfast, against the Importation of Flour into Ireland.—By Messrs. Pryme, Parke, Miles, Palmer, Pakington, Sir R. H. Inglis, and Lord Stanley, from a number of places, for Church Extension.—By Mr. F. Maule, from Perth, and Forfar, against the ssme.—By the Chancellor of the Exchequer, from Portsmouth, and by Sir G. Strickland, from a place in Yorkshire, for the Total and Immediate Repeal of the Corn-laws.—By Mr. Hume, from Rochester, and Mr. Hawes, from a Lady, for an Inquiry into the Principles of Socialism.—By Mr. Wynn Ellis, from Leicester, in favour of the Privileges of the House being maintained. —By Messrs. Duff, and F. Maule, and Sir G. Sinclair, from a number of places, against the Intrusion of Ministers into Parishes without the consent of the Inhabitants. - By Mr. Hodges, from a place in Kent, for an Alteration of the Poor-laws.—By Mr. Miles, from one place, against any further Grant to Maynooth College; and from another place, against the Beer Bill.

UNION OF THE CANADAS.] Mr. *Pakington* inquired of the noble Lord the Secretary for the Colonies, whether any intention existed on the part of the Government to bring in a bill for the union of the two Canadas? He also desired to know whether the returns relating to the various religious denominations in Upper Canada, a part of which were sent home by Governor Arthur last year, would be soon completed, and whether, when they were sent home, there would be any objection to their being laid before the House? He further begged to ask whether Sir George Arthur had been superseded, or whether he had resigned?

Lord *John Russell* first begged to state, that the Governor-general on her Majesty's North American provinces had obtained the consent of the legislative councils to take measures for the union of the two provinces of Upper and Lower Canada. By the last accounts which had been received from the Governor-general, he informed the Government that he was then occupied in the details of a bill, that the Chief Justice of Lower Canada was expected in Upper Canada every day, and that he hoped to send the draft of the bill home by the packet, which would leave New York on the 1st of February. This, of course, had not yet arrived; but as soon as the communication was received, it would be taken into the consideration of her Majesty's Government; and he expected, in the course of the ensuing month, to be able to produce a measure upon the subject of the union of the two provinces. With regard to the returns which had been directed to be made, he found that they were not entirely to be depended upon; and he had great doubts whether any means could at present be taken to make them more perfect. He had, however, given instructions to Sir George Arthur to take all the pains in his power to render them as complete as possible. As to the retirement of Sir George Arthur, he had not the least reason to suppose that he was about to relinquish the government of Upper Canada. He had received no intimation from Sir George to that effect, and all the despatches which had been forwarded to himr om the Governor-general expressed the highest approbation of the conduct of the Lieutenant-governor of Upper Canada. The state of his health might possibly afford a reason for his resignation, but no notice to that effect had been received.

THE QUEEN'S MARRIAGE—CONGRATULATORY ADDRESS.] Lord *John Russell:* I rise, Sir, in pursuance of a notice which stands upon the votes of the House, to move an address to her Majesty, on the occasion of her Majesty's marriage with Prince Albert of Saxe Coburg and Gotha. It will not require any arguments from me, I am persuaded, to induce the House to consent, most willingly, to this address, for I am sure that the House will feel as anxious as I do, to render its congratulations, upon an occasion not only interesting to Parliament, and conducive to the comfort and happiness of her Majesty, but of great importance to the welfare of the State. And allow me, with regard to this subject to observe, that it must be a source of the greatest satisfaction to the country, to think that her Majesty has been more fortunate, with respect to her

Majesty's marriage, than many of those who have been placed in such an exalted station, because it has been too often the case that the necessity for political alliances has made it requisite to contract marriages entirely based on political considerations, and in which the affections of the heart, have been in no wise concerned. It must be a matter of great satisfaction to the people of this country to know, that they have not demanded any such sacrifice on the part of her Majesty, and that while the political interests of the country are consulted, this country has not been obliged to ask her Majesty to contract marriage with any person other than one whom her own affections would have led her to select. With these few words, I shall at once propose the address to her Majesty, expressing my most sincere prayer, that the union so lately formed may last for many years, and that the blessing of Almighty God may rest upon it. The noble Lord then proposed,—

"That an humble Address be presented to her Majesty, to congratulate her Majesty on the auspicious occasion of her Majesty's marriage, and to assure her Majesty of the cordial joy and satisfaction which this House feels at an event which is a fresh instance of her Majesty's regard for the interests of her people, and of so much importance to her Majesty's domestic happiness, and to the welfare of the country."

Sir *R. Peel* said, I trust I may be permitted to perform the satisfactory duty of seconding the motion proposed by the noble Lord. I feel that the ordinary phrases of congratulation are so trifling and so exhausted by repetition, that it is perfectly consistent with good taste and with my own sentiments to express my feelings in a very few words. I beg, therefore, on my own part, and on that of the great party with which I have the honour to be connected, to express our most cordial congratulations to her Majesty, and the sense of great satisfaction which we entertain, that her Majesty has been able to perform a public duty in such a manner as to render it grateful to her own feelings; and to join in the prayer offered by the noble Lord, that not only the public happiness of the country, but the personal happiness and comfort of our Sovereign may be ensured by this union.

Motion carried *nem. con.;* and address ordered to be presented by the whole House.

MESSAGE TO PRINCE ALBERT.] Lord *John Russell* then moved,

"That a congratulatory Message be sent to His Royal Highness Prince Albert of Saxe Coburg and Gotha, to congratulate his Royal Highness upon his marriage, and to express the joy and satisfaction which this House feels upon seeing the ardent wishes of a faithful people fulfilled by her Majesty's wise and happy choice, and by her Majesty's union to a prince distinguished by a descent so illustrious, and by a character formed to support and adorn his exalted station."

Mr. *W. Duncombe* said, that perhaps the noble Lord would allow him to take this opportunity of putting a question to him, upon a subject which had excited great interest both in and out of that House. He desired to be informed whether it was intended that the name of his Royal Highness Prince Albert should be inserted in the Liturgy.

Lord *John Russell* had no intimation to make to the House upon the subject.

Motion carried.

MESSAGE TO THE DUCHESS OF KENT.] Lord *John Russell* said, that there was one other motion which he proposed to make, of which he had given no notice, but it was for another congratulatory Message, to which he thought that the House would not object. The noble Lord moved,—

"That a congratulatory Message be sent to Her Royal Highness the Duchess of Kent, to congratulate Her Royal Highness upon the marriage of her Majesty; an event so deeply interesting to the maternal feelings of Her Royal Highness, and so conducive to the happiness of Her Majesty.'"

Motion carried.

MUNICIPAL CORPORATIONS—(IRELAND).] Viscount *Morpeth* moved the second reading of the Municipal Corporations, (Ireland) bill.

Sir *R. Inglis* said, that the Bill having been already so much discussed, he would not occupy the attention of the House by entering into its details, but he would declare his conviction that if that Bill ever passed into a law it would be a heavy blow and a great discouragement to the Protestant religion in Ireland; and for that reason he could not permit such a bill to be passed through that House, without giving it his decided opposition. There were many authorities of high name and high characters to sanction that opposition to the bill; but there was one of paramount weight with hon. Gentlemen opposite, he meant the hon. and learned Member for Dublin, who furnished ample reasons for resisting that bill. That hon. and learned Gentleman by his speeches out of doors, for he was cautious of committing himself within the walls of parliament, furnished the best reasons why a municipal Corporation Bill should not be extended to Ireland, which would transfer corporate power from the Protestants to the Roman Catholics of that country. It will be recollected that it was stated that a compact had been entered into between the hon. Members with whom he (Sir R. Inglis) generally acted and the hon. Gentlemen opposite, that, on the condition of a Tithe Bill passing which would secure to the Irish Church its revenues, no impediment by his hon. Friends would be thrown in the way of a Municipal Bill being introduced. Now to that compact he (Sir R. Inglis) never had been, and never would be a party. Of its existence he had never been informed until when this bill was last year before Parliament, he came into the House, and for that reason he was not liable to any charge of inconsistency by opposing the present bill. If such a compact had been entered into, the hon. and learned Member for Dublin had by his conduct violated the condition, and for that reason the contract or compact was at an end. That hon. Gentleman had told his supporters that it was his grand object to transfer the rent charge from the present recipients to a new class of persons, for new objects. If by that declaration the hon. and learned Member intended, as no doubt he did, to sweep away the maintenance of the clergy of the Established Church, then the ground was cut from under the feet of the friends of the Established Church. They were induced to support the present bill on the ground that the interest of the church had been secured by the Tithe Bill. The individual who possessed more power than any other man had ever possessed in Ireland, told them that this interest of the church should not be secure. If ever, then, such a compact were made, surely when violated on one side, it could not be binding on the other. Again, he would ask, had the Municipal Corporations Act of England proved so beneficial to the people of this country that that House should extend its operations to the sister kingdom, not by the desire or at the option of the people of Ireland? The bill went to the destruction of the existing corporations in Ireland. That House had no right to destroy those corporations, or to take away from them the power and influence which they possessed. If abused, there was law still in the country to redress the wrong. There was not any justice which could extend to an individual which could not equally extend to a corporate body. But the House at a single blow destroyed ten, twenty, or thirty corporations at once, transferred their powers and functions to a different class, and this they were about to do when they would not attempt a similar act of injustice upon an individual. That the bill would eventually pass he believed, and he also felt, that it would be useless to resist it in that House. He would not factiously oppose the sense of the House; but the duty he owed himself prompted him to express his opinions upon the bill, and not allow it to pass by any connivance upon his part. The bill being a virtual transfer of the power then possessed by the Protestants into the hands of the Roman Catholics of Ireland, he would move as an amendment that the bill be read a second time that day six months.

Mr. *Litton* begged leave to second the amendment. He had never denied, that, by what he called reform, the advantages attendant upon the existence of municipal corporations in Ireland might be greatly increased; but when it was intended by this bill to transfer the exclusive patronage and ascendancy of the corporations into different hands, he said that this was an unfair bill, and that it was an effort on the part of the Government to make the bill a political engine by which they might increase their influence in that country. That was the main ground upon which he opposed this bill. But he had another objection to it—namely, that from the nature of this bill, and the character of many of its clauses, it would throw the patronage into the hands of a class of men who were not by any other statutes or institutions of the country intrusted with it, and who, by reason of their education, and their situation in society, were not likely, properly and justly, to administer the pecuniary concerns of these corporations. It was generally believed that a compact, either implied or understood, had existed between the Government and the Conservative party, the object of which was, to bring about a satisfactory settlement of those Irish questions, the continued agitation of which was fraught with so much mischief. He would not pretend to say whether such a compact had or had not existed. But how had the Government acted? Had they kept faith? Was it not promised that a fair *bonâ fide* Tithe Bill for Ireland should be brought in by the Government? Although he was satisfied with the Irish Tithe Bill as it now stood, he would ask whether the Conservative party owed that bill to the adherence of the Government to the compact which was spoken of, or to their own exertions, which left the Government in a minority? The Government, to the very last, contended for the deprivation of the Irish Church of thirty per cent. of its income, but a majority of the House, created by the strength of the Conservative party, voting against the Government, preserved seventy-five per cent. to the Irish Church, and even to the present hour a kind of threat was held out, that if the English feeling in this country would admit of it, an attempt would again be made to enforce the appropriation clause. So far, then, as the alleged compact was concerned, the Government had broken it, for it could not be called a fair way of keeping it, to take all and give nothing. Her Majesty's Government had twice broken that compact, in reference to the very question now before the House, by bringing in corporation bills for Ireland, which they knew the Conservative party could not support, and which were ultimately rejected by Parliament. What he would ask the House was, first, whether such a compact ever existed, and if such a compact was in existence, whether it had not been broken by Government; and whether, therefore, the Conservative party were not, in honour and justice, relieved from the observation of its conditions any longer? If his right hon. and hon. Friends thought otherwise, he was the last man to ask them, for any purpose or object whatever, to break one iota of that compact. If they considered that compact to be still binding upon them, he would not presume to call upon them to disregard it. As for the bill now proposed by the noble Lord, it might be said, why not let it go into committee, and then it can be improved and amended as it may require? His answer to that was, that he thought it altogether so defective and objectionable, that it was not worth while to trouble a committee with it, for it would be easier to draw a new one than to amend this one. Upon these grounds he seconded the amendment.

Mr. *Shaw* said, he would state at once, that, without pledging himself to any of the details of this measure, he intended to vote for the second reading. He felt bound, both by consistency and good faith, to take that course, because he saw the good effects of the Irish Tithe Bill, in the increased security of the Irish Church, and the improved condition of society in Ireland. When the hon. Baronet, the Member for the University of Oxford reasoned, that his party was altogether free from every compact with regard to the Irish Church, because he saw that the hostility of the hon. and learned Member for Dublin to that Church was not diminished, his answer to that reasoning was, that the hon. and learned Member was no party to the compact, and that one great advantage had been gained for the Church —namely, an Act of Parliament, by which the Church could be protected against the hostility of that hon. and learned Member. The Poor-law was, he believed, notwithstanding some drawbacks and difficulties, coming into useful operation; at all events, it supplied a safe criterion of franchise. But if he was even free from these obligations, he would call upon those hon. Friends of his who opposed the principle of the present measure, to state what was their own, and to propose some substitute of which he could approve, before he could lend them his support. He had not heard any one of his hon. Friends contend that the Irish Corporations could be retained in their present form; for his own part, considering the altered laws and circumstances of Ireland, he thought that object was not possible or desirable, and, from first to last, in all the discussions of the subject, he had never either there or elsewhere, given a different opinion. He had advocated the abolition of those corporations, and still would do so, were it practicable, maintaining, as he did, his former opinion, that their abolition would be the measure most conducive to the good government of the towns, and to the general peace and prosperity of the country, by preventing the recurrence of elections, and the irritation of party contentions for ascendancy; and that the public funds would be applied for the real benefit of the inhabitants, and not to purposes of useless pageantry and show. But, after long perseverance, he, and those with whom he acted, had failed in that measure of abolition, and in no small degree on account of those hon. Friends who now opposed the present bill, refusing their support to that mode of settlement, conscientiously, he freely admitted, but nevertheless preventing the settlement. What, then, was to be done? Corporations in Ireland could not continue as they were; abolition had been tried and failed; and to his mind the only alternative which presented itself was either to settle the question upon the principle that had been now agreed to by both Houses of Parliament, or else to leave it in its present unsettled and unsatisfactory condition, a festering sore inflaming the feelings of the most violent of both parties in Ireland, and the subject of constant and angry party contention in that House, to the exclusion of all useful practical legislation for that part of the kingdom to which it related. He was quite aware, from past experience, that he should bring odium on himself by the part which he was now taking, the more so, by contrast with those hon. Friends of his with whom he generally acted, but who on that occasion thought it their duty to take a different course. But that would not deter him from doing what he sincerely believed to be his duty. He thought that exaggerated notions of the political importance of the measure were formed on both sides, and by their reaction on each other. His greatest apprehension was, that wise and moderate men belonging to both would keep aloof from these new corporations, from a dread of that strife and animosity which their presence might greatly tend to prevent. He did not apprehend that with a *bonâ fide* 10*l.* franchise, what was termed Conservative opinions would eventually be overborne in those new bodies as was alleged by many of his Friends, provided only, that instead of indulging in unavailing regrets and bitter resentments at the past, those who held them would exert themselves to assert that just influence to which their wealth, intelligence, and character entitled them. Nay, he would say, that it was his positive conviction, that the continuance of the Irish corporations in their present decayed and declining state was rather an injury than a service to that great Conservative party to which he was proud to belong, and whose principles were a firm but a temperate maintenance of the civil and sacred institutions of the country and above all, at the present moment, a determination, without giving offence to, or deriving civil superiority over, those of any class or creed, to support by any or every sacrifice the union of the Protestant Church with the state in every portion of the United Kingdom. With these views, he would vote for the second reading of the bill, and endeavour in the committee to make considerable amendments in the details, to many of which in their present shape he objected.

Mr. Sergeant *Jackson* felt with his right hon. Friend, the importance of having this long vexatious question settled. But he did not think the House had had sufficent time to consider the present measure. It was only yesterday morning, that he had been put in possession of this very voluminous bill. It was impossible that the people of Ireland could have had any opportunity of considering it. Nevertheless, the House was called upon to decide thus hastily upon it. It was said by a noble Duke, the leader of his party, in the House of Lords, that if the Poor-law Bill and the Irish Tithe Bill were passed in a satisfactory shape, he should feel himself bound to vote for the principle of a bill for the remodelling the Irish Municipal Corporations. These two measures had been passed; and, in conformity with that pledge, the party with whom he acted were prepared to vote for the second reading of this measure. He was, however, bound to say, that he was well aware of the probable effects of it if it were carried in its present shape; and, with the view to obviate them, he should pursue such a course in Committee as duty dictated, and at all risks would follow it. He would, therefore, tell the noble Lord that he would vote for the second reading of this bill, but in doing so, he should take care to support or propose such modifications of it in Committee as would prevent the most mischievous results arising. When the Government first brought forward the Irish Municipal Bill, the Members of it in that House distinctly denied, that it was intended by it to take the power in the corporations from one exclusive party and transfer it to another, and his right hon. Friend, the present Master of the Rolls in Ireland, who was the law officer of the

Irish Government in that House, made some powerful observations on this subject. On the second reading of that bill in 1836, his right hon. and learned Friend said:—

> "I know that it has been said, that the inevitable effect of this measure would be to take the power out of the hands of one party and give it to another. I am aware that this has repeatedly been said, but whatever credit may be attached to my assertion, I have no hesitation in saying, that if I thought that this measure would take power from one exclusive and violent party, and give it to another equally so—if such a party could be found—it would not have a more determined opponent than myself. But I deny that such would be the effect of the measure."

But he maintained that the present measure, if it passed as it now stood, would have the effect of transferring all the power and influence in the corporations of Ireland from the Protestants to the Catholics. He, therefore, as the Irish Master of the Rolls did on a former occasion, protested against being a party to such a proceeding, and should, therefore, in committee propose a number of alterations to counteract the evils that would otherwise arise. Was the noble Lord, the Secretary for the Colonies, aware of the relative number of houses giving voters belonging to Catholics and Protestants in the Municipal Corporations in Ireland. With all possible respect to the noble Lord, he felt that the noble Lord could not be aware of the proportion the number bore to each other, and that the effect of the bill would be to deprive the Protestants of all share of power in those towns. Was it not the bounden duty of the noble Lord to inquire into the subject, and to inform the House whether this measure would produce such an effect in any town in Ireland? He had taken some trouble on the subject, and he would tell the noble Lord, that if he would look into the report of the commissioners of public instruction, and the commissioners of municipal boundaries, he would perceive that in nearly all those places there would be an overwhelming proportion of voting houses in the hands of Catholics. What was the chief objection to the present corporations in Ireland? It was, that they were exclusively in the hands of Protestants. This was the ground urged for the abolition of them; but would it not be most monstrous—would it not be most unjust, because they are now exclusively on our side, that you should produce such a change as to make them almost exclusive to the opposite party? This would not only be grossly and manifestly unjust, but most impolitic. Was not this a Protestant State? Was there any man in that House who contemplated that this country would cease to be a Protestant one? He, at least, never would be a party to any measure which was likely to produce such a result. The noble Lord who introduced this measure stated, that it was like the bill sent down from the House of Lords last year, but in point of fact it was *toto cœlo* different. The noble Lord, in his bill, proposed one qualification for the first three years, and that after that time it should be entirely different, and what was this latter propopal? Why, that after three years every person who occupied a rated house in a municipal borough should have a vote at the election of town councillors. Was not this an essential difference from the qualification laid down in the bill sent from the House of Lords last year? There was also no clause to continue to the freemen and burgesses in those towns the powers and privileges which they now enjoyed. The freemen had had continued to them the right of voting for Members of Parliament, but he could not conceive why they should not also have the right of voting for members of the town-council. This also would tend to lower the Protestant influence in many towns. It was his intention when the bill got into Committee to propose some amendments, with the view of counteracting the exclusion of Protestants. For instance, one amendment which he should propose would be to this effect—suppose that in a town there were two Roman Catholic voters for one Protestant voter; to prevent the overwhelming effect of such a majority he should propose that each elector should only have the power of voting for a number equal to one moiety of the town-council. This was by no means a new principle, but had been acted upon under the English Municipal Act in the election of assessors and auditors in a borough. The application of this principle also in connexion with Irish municipal boroughs had been recommended by a distinguished statesman in another place, of whom he wished to speak in terms of the utmost respect—he meant Earl Grey. That noble Earl, in a speech which he made the 27th of June, 1836, said on this subject,

"There is one suggestion which I will venture to offer to your Lordships, for which suggestion I alone am responsible, not having communicated to my noble Friend my intention of making it, and not having any reason, except the conviction of its expediency, to believe that it will be acceptable to either side of your Lordships' House. In the bill, as it last left your Lordships' House, and as it now stands, there is a clause regulating the voting for auditors and assessors. Now, in another bill ordered to be brought into the House of Commons by Lord John Russell, the Attorney-general and Mr. Vernon Smith, a bill for regulating charitable trusts, there is a clause providing that every person entitled to vote shall vote for only half the number of trustees. I wish your Lordships would consider if it might not be practicable to add clauses to this bill of a similar character, but bearing on the election of town councillors, which would in a great degree remove the objections to the measure, which some of your Lordships entertain. Suppose, for instance, that every voter was restricted to voting for only half the number of town-councillors. The consequence would be, that there could be no exclusive party established, but that a minority in any corporation, of whatever persuasion they might be, could retain their due share of influence. My Lords, I believe it is an overstatement to say, that even if the bill were carried in its present shape its effects would be exclusive, because it would be only a transfer of authority from one party to another. Many of the corporations in Ireland are divided into wards, and in many of those wards the Protestants would have the preponderance. I am told, that even in Waterford, where the Catholics are most numerous, the elections would not be of that exclusive character apprehended. But even if that were the case, the proposition which I have ventured to throw out would remedy the evil. It is obvious, that if a voter were restricted to vote for only half the town-councillors, unless the majority of one opinion could be swelled to two to one, no principle of exclusion could be established."

This was the suggestion of the noble Earl, and these were the reasons on which it was supported—and nothing could be more just or reasonable than the ground which he took. The noble Lord, the Secretary for the Colonies, also supported the same principle in reference to the election of charity trustees in corporations, and this was done with the view of affording a counterbalance to the members of the Church of England against the Dissenters. He thought also that it would be most unjust to force on the people of the Irish towns these corporations, whether they would have them or not. It was notorious that in some boroughs the majority of the voters, in respectability, wealth, and intelligence, were unwilling to have these corporations, but this bill was to force it on them whether they would or not. This, he thought, was most unjust, and he, therefore, should propose that they should leave it to the option of the inhabitants of any place to say whether they would have a corporation or not. On this point he should refer the House to the petition which he presented a few nights ago from Clonmel, respecting the alteration proposed to be made in corporations in Ireland, and praying the House to exclude that town from the operation of the bill. These petitioners state—

"Should the plan which was last year proposed to Parliament have passed into a law, your petitioners would have found themselves burdened with a very heavy annual expense for the payment of municipal officers, who have hitherto been found quite unnecessary for the management of the corporate affairs of the town: they would have found that the public income of the town, amounting to about 600*l.* per annum, instead of being applicable, as it now mostly is, to the improvement of the town, would not, according to reasonable calculations, have more than sufficed for half the payment of the salaried officers, leaving the deficiency of salaries, &c. to be provided for by a tax, before a single farthing could be had for expenditure on the town itself, and that must have been raised by a further tax on the inhabitants. Your petitioners submit that, in framing a new scheme for the government of these towns, by which it is understood to be the intention of the Legislature to supersede the ancient privileges of the inhabitants, reference should be made to the circumstances of each town, and care taken that the new system shall combine the benefits of self-regulation with the smallest possible expense to the inhabitants, and the least possible temptation to corruption or underhand practices. Besides the burdensome taxation to which the contemplated arrangement would make them subject, the establishment of a long list of places, for salaried officers, would render their town a scene of intrigue and corruption, to an extent far exceeding any even imputed to the old corporate bodies."

They therefore went on to pray the House not to force the Irish Municipal Bill down their throats. This petition, he had reason to believe, was signed by three-fourths of the inhabitants of the rated houses of the town. He would appeal to the hon. Members for Waterford and Dungarvon as to the respectability of the signatures attached to this petition. They were well acquainted with the names, and he was sure that they would admit that it was signed by the most respectable inhabitants of the town, and comprised a body of persons who were rated to the amount of 10,000*l.* a year in the town of Clonmel; that was to two-thirds of the rated value of the town. There was also another important town, the inhabitants of which entertained nearly the same opinion on the subject. He alluded to Belfast, the inhabitants of which had presented a petition against this compulsory clause in the bill, and gave the strongest reasons against having a corporation forced on them. They said

> "That they could not, without serious alarm, regard many of the clauses of the bill, and they most earnestly entreated the House not to force a corporation on them which would only have the effect of engendering bitter animosities; whereas the local affairs of that place had hitherto been managed in a most satisfactory manner under the provision of the 9th of Geo. 4th, and that the effect of the change would only be to exasperate political differences and excite private dissensions. That the affairs of the town of Belfast had hitherto been conducted in a most satisfactory and peaceful manner, but this would no longer be the case if this bill passed with its compulsory clauses."

This petition was from a town of very great importance, the inhabitants of which felt, that the peace and tranquillity of that place would be disturbed by the introduction of a corporate body such as was proposed in this bill, and that the effect of it would only be to interrupt their present prosperous career. He need hardly allude to the commercial importance of this place, which numbered upwards of eighty-five thousand inhabitants; and this petition, presented by his hon. Friend, was signed by a large proportion of the inhabitants, including the chief merchants, bankers, and traders of Belfast. Was such a petition to be disregarded, when all that was required in it was, that they should not force a corporation upon them, as they had hitherto been enabled to manage their own affairs with perfect satisfaction to themselves, under the provisions of the 9th Geo. 4th, c. 84. There also was an important petition on the subject of a portion of this bill, presented last year to the House of Lords. This petition was from the town of Galway, and they strongly objected to many parts of it, and more particularly to the clauses which related to the rural districts surrounding those places that were counties of cities. In the bill of last year, it was provided, that in all counties of cities the rural districts should be cut off and thrown into the adjoining counties, as far as regarded the payment of rates, and that they should be created distinct baronies, and provision should be made for judicial and financial purposes respecting them. The inhabitants of Galway complained, that immense burdens would be thrown upon them by this arrangement, as many charges which were provided for by the surrounding rural districts would fall directly on the town. But this evil would not merely be felt in this place, for in addition to Galway, the inhabitants of Cork, Limerick, and other places which were counties of cities, and had large rural districts connected with them, made similar complaints. All that he required from the noble Lord was, that it should not be compulsory in those places to have corporations, but that it should be left to them to be governed by the provisions of the 9th of George 4th, if they thought proper. He called therefore upon his hon. and learned Friend, the Member for Galway, to lend him his aid in opposing this tyrannical provision of this bill, against which his constituents entertained the strongest feelings. It should be recollected also, that in Galway the corporation was open to Catholics, and a very large proportion of the freemen belonged to that class, and they had petitioned against this bill. The bill as it stood at present, then, was objectionable to the great body of the inhabitants of that town, and he was also convinced that it would be found equally objectionable to the inhabitants of other large places being counties of cities having extensive rural districts under their jurisdiction. For instance, the district of the county of the city of Cork was from six to seven miles in diameter, and contained upwards of 45,000 acres. There were seventy square miles in these rural districts, while there were only four square miles covered with buildings such as would give the franchise under this bill. In the districts surrounding Cork, there were not less than 700 persons who could not write their own names, and who were obliged to put their marks to the affidavits for the purpose of registering their votes. Most of them were evidently fictitious votes, and the operation of the principle now proposed in this bill would not at all tend to diminish the number. He should redeem his pledge by voting for the second reading, but he should oppose the bill in every subsequent stage unless it were so altered as to satisfy him that it would not convert the municipal corporations in Ireland from Protestant communities into exclusively Roman Catholic institutions.

Mr. *O'Connell* could not conceal from himself, nor did he desire to conceal from the House, the delight he felt in finding himself voting on the same side with the right hon. Gentleman opposite and the hon. Gentleman who had just sat down. He did take the liberty of making a suggestion across the House to the hon. and learned Sergeant, and if that had been acted upon, the learned Member might have been spared the trouble, and the House the pleasure of one half hour of his speech, which might have been reserved for another occasion. The hon. Member declared his intention of voting for the bill, and he afterwards adduced the towns of Cork, and Clonmel, and Galway, as arguments against the bill. The arguments might have been very good if they had agreed with his vote, but as it was, he was better pleased to get the learned Sergeant's vote than his arguments. He hoped the hon. and learned Sergeant would give the House credit when the bill was in Committee for the instalment of the debate which they had received from him, and allow them to escape so much on a future occasion. He was of opinion that the bill would place those who called themselves Conservatives in a better position than they were in at present. Many of those Gentlemen who, for political purposes, now appealed to the angry feelings and passions of certain parties would no longer feel a necessity for making such appeals, but would consult the voice of the people of the cities and towns; and by pursuing that course they would be better friends with their neighbours than ever they had been before. The hon. and learned Member objected to the bill, that it would take away the power from the Protestants and give it to the Roman Catholics. Now, if the meaning of the bill were to take power from a Protestant because he was a Protestant, and to give that power to a Catholic because he was a Catholic, he (Mr. O'Connell) would oppose it most strenuously; but the complaint under the present system was, that the Roman Catholic did not get that power and privilege which he was justly entitled to. He would instance the city of Dublin, where, for forty-seven years, Roman Catholics were eligible to be admitted to the corporation, and notwithstanding that the law permitted their admission, and that there were numbers of Roman Catholics amongst the gentry, and merchants, and the shopocracy, as they were called, and persons connected with the law, yet during those forty-seven years not one of them had been admitted. He hoped the learned Sergeant would excuse him when he said they had been excluded by Protestant prejudice. He should be heartily ashamed, and he should deplore it bitterly, if a Catholic corporation succeeded in excluding Protestant wealth and respectability from civil rights because they were Protestant. Yet he had shown that the Catholics had been equally admissible for forty-seven years, and none of them had been admitted because they were Catholics. Let him be shown any provision in that bill which gave a preference in civil rights to a man because he was a Catholic, and no one could be more ready to expunge it. The principle in the bill was, that a certain degree of property gave a title to the franchise, and, whether the possessor of that property was a Protestant or a Catholic, he was equally entitled to the franchise under the bill; and on the same principle, no matter what was his religion, that he should not have the franchise if he did not possess the property. No matter what religion a man was of, whether a Protestant, or a Catholic, or a Socialist, he might enjoy the franchise if he enjoyed the property. If the greater proportion of the property were in the hands of the Protestants, why should they not have their full share of the government of the town. And if, on the contrary, the greater portion of the property were in the hands of the Catholics, why should they not have it? The right hon. Baronet the Member for Oxford might differ from him in that opinion, and might believe that the State ought to give a superiority to the man who was of the State religion, and he would admit that the bill was a bad bill to every one who held such opinions; but it was a good bill in the eyes of those who thought that the possessors of property in the towns ought to have the regulation of the municipal affairs of the towns, and that no one ought to inquire what religion they were, or if any one was impertinent enough to ask such a question, that no one should be bound to answer him. He was ready to take the bill if it should pass in its present shape, though he believed there were many who might be dissatisfied with the franchise; but he felt that persons were bound to sacrifice their opinions in order to secure a permanent and substantial good. He was, however, bound to say, that, if it did not pass in its present shape, if it should be altered, it would not give satisfaction; and he thought it was the interest of the House to give its acquiescence to the just and reasonable demands of the people of Ireland. The people of Ireland demanded the same municipal rights as the people of England; but they would take the bill, although there was a restriction in it. They agreed to that restriction, as it was to last only for three years. He hoped the time would soon come when they should put an end to those restrictions. The hon. and learned Member concluded by repeating his intention to support the bill.

Sir *Robert Peel:* Sir, I do not intend to enter into any discussion of the details of the bill on the present occasion. I shall reserve that for another stage. With respect to an admission I made on a former year, I must say that I do not now see any cause to induce me to retract that admission. With respect to the newly-inserted provisions, now at the end of three years, I will not enter into that point; but I reserve to myself the complete power of acting hereafter, with respect to the details, as I may think fit. The main question which we have now to decide is, shall this bill be read a second time or shall it not? Shall an attempt be made in the present session to bring this long agitated question to a conclusion? I have a better ground for assenting to this attempt to settle the question, for I hold that we are consulting no interest in Ireland by keeping the question unsettled, if we can settle it in a proper and satisfactory manner. With respect to the first point, concerning the fulfilment of the pledge which I made, for I will not say compact, as I do not consider that I entered into any compact on any occasion with the hon. Gentleman opposite; but I made a declaration of the course I intended to pursue, and that declaration it may be thought might have a material bearing on the course which was adopted by others. I said that if there had been a satisfactory Tithe Bill passed, and a franchise established on the rating of the Poor-law Bill, in that case we could apply ourselves to the settlement of the corporation question in a form which would be satisfactory. I have no disposition to say, that the agitation with respect to the Tithe Bill releases me from that. I doubt the policy of making the hon. and learned Gentleman opposite of so much importance, and so far as the operation of the Tithe Bill is concerned, I will not so far compliment the hon. Gentleman as to say, that he has such power over the Catholics of Ireland that they would consent to unsettle the Tithe Bill at his suggestion. I believe that he has not that power over the Catholics of Ireland, the majority of whom have so much good sense, and so great a desire to consult the tranquillity of their country that little is to be apprehended on that point; and I do not believe that if he was inclined to do so by agitation, that he has the power. I do not think any conduct of his with regard to the Tithe Bill releases me from any promise I made on a former occasion. As many of my friends may vote against me, and as some of them have come into Parliament since that period, it is necessary that I should inform those who came into Parliament since that transaction took place, why I adopted a different course with respect to the Corporation Bill from that which I pursued on a former occasion. I entertained the opinion that it would be better for Ireland if the people of that country would generally consent to the abolition of the corporations. When I found that course was not satisfactory, and that it was felt as a humiliation and a degradation that there should be any difference between the mode of treating the corporations in Ireland from that which had been adopted in England, I saw that those feelings of dissatisfaction entered as an important element into the question. I wished to state my opinion that upon the whole there would be a greater prospect of religious peace and social concord in Ireland if an arrangement was made to provide for the local government of the towns without any municipal corporations. We tried that principle. I proposed that the existing corporations should be abolished in Ireland, and further that no other similar bodies should be established in lieu of them, for I conceive it impossible to proceed with the principle of self-election in Ireland after the corporations had been abolished. My right hon. Friend the Member for the University of Oxford calls upon us to retain the principle of self-election in Ireland, although it has been abolished in England; but as far as my experience goes, I do not think it consistent with the Protestant interests of that country to maintain self-election in Ireland, after it has been given up in England. In cases for instance, where the great preponderance of property is in the hands of the Roman Catholics, would it conduce to the Protestant interests of that town if the principle of self-election were retained, and that Protestant selected each other to the exclusion of the Roman Catholics? That would provoke so strong a feeling of dissatisfaction that any good which might result from a municipal reform would be perfectly overwhelmed and overpowered by the general discontent it would produce. Take the case of Dublin, I do not believe that it would conduce to the Protestant interests in that great city if the principle of self-election were retained, and that the Catholics were practically excluded. We tried that principle when we were in a powerful minority, within twenty or twenty-five of the Government; and, on the motion for the abolition of the corporations in 1836, we were in a minority of 64. We repeated it in 1837, and we were then in a minority of 88. Although men are in opposition they are obliged to look to the interests of the country; and the question then remaining to be considered was, whether it was for the Protestant interests, seeing that the public mind in England and Ireland was against the abolition of the corporations, that we should endeavour to carry this principle and could hope to fight the battle successfully against increasing opposition in this House and with a decreasing minority. I did not act suddenly. I took every opportunity of consulting the opinions of that great party with whom I have the honour to act. I asked them whether they thought they could rely, under the circumstances of the case, on the permanent opposition of the House of Lords in maintaining this principle, and whether it was on any ground desirable that the two Houses of Parliament should be thus kept in perpetual conflict with each other. I cannot say that all agreed for some differed; but there was almost an universal opinion amongst us that the ground was not tenable, and that the public interests and the Protestant interests of Ireland would not be advanced by it. That gave force to the declarations I made, not as a personal declaration, but on behalf of a great majority of that party. If the noble Lord was influenced by that in any measure which he proposed, I should be sorry indeed to be liable to the imputation that, having got the provisions I required, I did not fulfil my part. At the same time, if I were convinced that the public interests could be injuriously affected by the course which I am taking, I should feel myself placed in a painful dilemma; and, as a public man, should have to decide whether I should fulfil my engagement, and, in doing so, act contrary to the interests of the public service. But I am not in this dilemma, for the declaration which I made is consistent with my conviction that I am better consulting the public interests and the Protestant interests of Ireland by assenting to this Bill, than if I were to refuse concession to any attempt to settle this question. I confess that I will enter into the consideration of the details of this Bill with an earnest desire to bring the question to a satisfactory settlement. I do not deny, that the Roman Catholic influence must prevail to a great extent in these corporations on account of their numbers and property, but I do not anticipate any of the extreme danger that some appear to apprehend in this respect. I am sorry that the Protestant interest should not have more influence in those corporations; but I doubt whether the establishment of municipal corporations will add much to the political influence of the Catholics. That power will not materially add to their political weight. See how the case stands at present. With the corporations in the hands of Protestants, can we congratulate ourselves much upon the political results? I am convinced more advantage would be produced by depriving those who wish to agitate of a topic of agitation, and I am satisfied to run the risk of the elective principle in order that a great body whom I am desirous to look upon in the light of a great body of my fellow-countrymen, may not feel a sense of degradation at having withheld from them this concession. We have now the corporations in our own hands, and can we congratulate ourselves very much on the political results? Now to argue the matter in a more narrow point of view. The system of self-election prevails; but in many instances Roman Catholics form the corporations, and can we boast any great success in our Parliamentary or political influence? I will take the eleven towns mentioned in schedule A, which have corporations; they are Belfast, Clonmel, Cork, Drogheda, Dublin, Galway, Kilkenny, Limerick, Londonderry, Sligo, and Waterford, and of those eleven towns there is only one that returns a Conservative Member, namely, the town of Belfast. My hon. and learned Friend says, that many of these towns protest against corporations, and that a great portion of the property and wealth of these towns is opposed to corporations. Well, be it so. Supposing that a great portion of the property is against the introduction of the corporations, is it not to be supposed that the influence of that property will be exerted, and that it will strive for a fair portion of the corporate officers? Take the case of Belfast, for instance: there they will have no funds to administer, and consequently will be obliged to resort to a new taxation; and, as soon as they commence to exercise their taxing power, you will then see that they will at once become unpopular. Many of these corporations will have to decide between two courses: they will neglect their duty, and leave the lamps unlighted and the pavement unrepaired; they will neglect to attend to the comfort of the inhabitants, and then there will be comparisons made between them and the former corporation. They would then meet and determine to establish a borough rate, expecting that they would recover their popularity by this means; but when the rate came to be levied, they would find that the imposition of the new rate had rendered them more unpopular than before. I apprehend that when we consider the disunion that may arise to a certain extent amongst parties now united—the feelings of dissatisfaction that will be excited amongst one party, feeling that the corporation has not come up to their expectations—the discontent that will be excited towards those whose party prevailed in the choice of the governing body—I think, considering all these grounds, that the danger has been exaggerated with respect to these new corporations. I think, considering also the dissatisfaction that will be excited amongst the neglected candidates and their friends—the feelings of humiliation arising from having pretensions disregarded—the unpopularity arising from new taxation—I think that, considering all these causes, our political influence will be rather increased than abated by the circumstances to which I have adverted. Now, I will take all the boroughs which at present return Members to Parliament. There are altogether thirty-three borough towns, having corporations, which at present return Members to this House. Now, out of these thirty-three towns, there are only nine which return Conservative Members. I apprehend, however, that this result arises, not so much from the existence of these corporations, as from the extent to which, in many of those places, the political franchise is in the hands of the Roman Catholics. I am certain that it would be inexpedient to make a provision to say that the elected body should be of a particular persuasion, so long as the elective body are of a different persuasion. I do not think that there will be any risk to be encountered on account of religion. The election will always be sure to go in favour of those who profess a certain line of politics; and there will always be found men in whom the spirit of party will so overrule all other feelings, and these men, representing in the corporations the feelings of the elective body, would be found quite as mischievous as any who might be debarred on account of their religious persuasion. I have already stated, that in schedule A there is only one town which returns a Conservative Member to this House, and that, out of the thirty-three borough towns having corporations, we have only nine Conservative Members. I know very well that it is impossible to deny, that the Roman Catholics will at first exercise material influence in these municipal corporations, but I very much doubt whether their political influence, as distinguished from their municipal influence, will be increased by the grant of municipal corporations, when I consider that in many towns how small a proportion of the municipal functions remain to be exercised. In the city of Dublin, for instance, the corporation will have very few corporate functions to discharge. You have already established there a paving board and a lighting board, and you have established a street police with which you have decided that the corporation shall not meddle. In fact, in Dublin you have excluded the corporation from the exercise of all municipal functions. In fact, in every thing which respects the interests of the corporation, the corporation will have scarcely any interference. We might by refusing to read this bill a second time give encouragement to agitation; but I think that we ought to consent to the second reading of the Bill, as we have failed to persuade the people of Ireland that it would be for their interest, for a time at least, that they should be free from those municipal election contests, which would go far to interfere with social harmony, and interfere with good fellowship amongst the inhabitants of many towns in Ireland. For though elections may be considered as a safety-valve for the expression of opinion, still they interfere very much with the harmony of social feeling, which they very much tend to interrupt. On these grounds, then, first of all, from a desire to promote the interests of the Protestants of Ireland, and also to promote the general interests of the country, I think that this question should be brought to a final conclusion, unless there could be shown a strong necessity to the contrary. I have already stated that I did not enter into any compact with respect to this question; but this I feel, that no one could know what to depend on if on such occasions the public declarations of public men were not to be adhered to. It would be a painful course if I were called upon to adhere to a declaration which I felt to be wrong, but I feel that the declaration which I made is one in conformity with my own convictions, and that I consent to nothing in this bill which I think ought not to be conceded. My own opinion is, that it is for the public interest, for the interest of Ireland, and for the interest of the Protestant party in that country, that we should seize the opportunity of settling this question, and that we should gain no object by postponing it to another year, when we may have fresh difficulties to encounter, and a diminished chance, perhaps, of effecting a satisfactory and amicable settlement. I shall, therefore, vote for the second reading of this bill, and shall enter into the committee with the same feelings with which I give my vote to-night, and with a disposition to use my best exertions to bring this long-agitated question to an amicable, a satisfactory, and a final settlement.

Lord *J. Russell* said: Were it not for some remarks that fell from the hon. and learned Member for Bandon, and the right hon. Gentleman, the Member for the University of Dublin, I should not have thought it necessary to offer any observations to the House on the present occasion. The right hon. Baronet, the Member for Tamworth, has stated, that, with respect to this question, he entered into no compact with this side of the House, but that he made a public declaration of what his intentions were. He has stated with perfect correctness what was the declaration which he made, and I must say, that what the right hon. Baronet has now stated agrees, on the whole, with the declaration which he formerly made. However, the right hon. Baronet is mistaken if he supposes that I am prepared to agree to all the propositions with respect to this bill which were pressed last year. There are some things which were contained in the bill, and added by the House of Lords last year, and some propositions which we have this evening been led to expect will be proposed in the Committee, to which I cannot give my assent. The hon. Member for Bandon proposed a plan, by which he would provide, that half the governing body should be elected by one class of religionists, and the other half by the other, and that only half the members of the governing body should be elected by one class of the inhabitants; but, though I assisted in introducing and preparing a bill with respect to charitable trusts, in which a principle something similar was admitted, I do not think that it would be advisable to introduce that principle into the municipal bill for Ireland. I shall, therefore, object to the introduction of this principle into the bill, for I think that in operation it would be found to be mischievous. There could be no way more certain of perpetuating religious dissension, than that one party, being a minority, and another party a majority, should each elect an equal number of town councillors, and that one set of these town councillors should belong to the Protestant party exclusively, and the other exclusively to the Roman Catholic party. In agreeing to the proposition of establishing a higher rate of franchise I certainly do so against my own opinion, for I think that we have made the franchise higher than was necessary as a security for the constituency who would have to elect the governing body. However, there is nothing in that franchise which can give advantage to one party beyond another. It is merely a money value, and the franchise may be equally enjoyed by all who possess the qualification without reference to whether the individual be a Whig or a Tory, a Protestant or Roman Catholic, a Churchman or a Dissenter. I think this franchise will combine all interests. I think, therefore, that, having decided in abolishing the principle of self-election and putting an end to religious differences, we should avoid any thing that would tend to perpetuate those differences, and that would for one evil substitute another. I hope, in conclusion, that the right hon. Member for Tamworth will not content himself with supporting the principle of the measure. I hope that we may be able to bring this question to a satisfactory settlement in the course of the present Session. Having passed a similar measure with respect to other parts of the United Kingdom, it could not fail to be a constant source of dissatisfaction to the people of Ireland if we were to refuse to place them in the same condition, and to concede to that country a measure founded upon a similar principle.

The House divided on the original question—Ayes 149; Noes 14; Majority 135.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Archbold, R.
Attwood, M.
Bainbridge, E. T.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Lord
Barry, G. S.
Beamish, F. B.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Chapman, Sir M. L. C.
Clive, E. B.
Collier, J.
Conolly, E.
Corbally, M. E.
Corry, hon. H.
Cowper, hon. W. F.
Craig, W. G.
Curry, Mr. Sergeant
Dalmeny, Lord
Divett, E.
Duke, Sir J.
Dunbar, G.
Dundas, Sir R.
Eaton, R. J.
Ellis, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzalan, Lord
Fleetwood, Sir P. H.
Fort, J.
French, F.
Freshfield, J. W.
Gillon, W. D.
Godson, R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Harcourt, G. G.
Hawes, B.
Hector, C. J.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, F. J.
Howard, P. H.
Humphery, J.
Hutton, R.
Jackson, Mr. Sergt.
James, W.
Jermyn, Earl
Jervis, J.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Labouchere, rt. hon. H.
Langdale, hon. C.
Leader, J. T.
Lowther, J. H.
Lynch, A. H.
Macleod, R.
Marshall, W.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, D. R.
Pryme, G.
Pusey, P.
Ramsbottom, J.
Redington, T. N.
Richards, R.
Roche, E. B.
Roche, W.
Russell, Lord J.
Scholefield, J.
Shaw, rt. hon. F.
Sheppard, T.
Smith, B.
Somerville, Sir W. M.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Teignmouth, Lord
Tennent, J. E.
Thompson, Alderman
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Walker, R.
Warburton, H.
Westenra, hon. J. C.
White, A.
Williams, W. A.
Winnington, Sir T. E.
Wood, B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Stanley, hon. E. J.
Sheil rt. hn. R. L.

List of the Noes.

Archdall, M.
Bagge, W.
Blackstone, W. S.
Cooper, E. J.
Fector, J. M.
Hamilton, Lord C.
Kirk, P.
Polhill, F.
Pringle, A.
Sibthorp, Colonel
Smyth, Sir G. H.
Tollemache, F. J.

	TELLERS.
Verner, Colonel	Inglis, Sir R. H.
Williams, R.	Litton, E.

Bill read a second time.

IMPORTATION OF FLOUR—(IRELAND).] Mr. *Labouchere* moved the second reading of the Importation of Flour (Ireland) bill.

Mr. *E. Tennent* had stated, on a former stage of the bill, his determination to oppose it, and not, as had been suggested, merely on the narrow ground that it was a measure affecting the interests of the millers only, but on the broader principle, and the more important one, that it would materially interrupt the career of agricultural improvement in Ireland; and so far from benefitting either of those classes for whose advantage it purported to be introduced—the manufacturers and the poor—that it would be a direct and serious injury to both. And when hon. Members spoke of the propriety of assimilating the laws of England and of Ireland in this respect, he would remind them that it was out of the very dissimilar circumstances of the two countries that the present dissimilarity in the law had arisen. This was not an act of a recent date, or a measure of the British Parliament, which they were about to annul and to repeal; it was an Act passed by the Parliament of Ireland long before the Union took place, which had been recognized by the Act of Union, and which had been continued and perpetuated by every Corn Act passed by the Imperial Parliament since. The House was aware that down to a very recent period, Ireland was almost entirely destitute of a home manufacture of flour, but was totally dependent upon England, and that even within the last thirty years her wheat and oats, even for her own consumption, were sent to Bristol, to Liverpool, and to Glasgow, to be ground, and were thence returned to her in the shape of flour and oatmeal. It was to remedy this serious want that the present law was enacted. To show the peculiar circumstances of Ireland which led to this enactment, so far back as 1757, an Act of the Irish Parliament "for supplying Dublin with flour," recites in its preamble, that the inhabitants "had frequently been reduced to great distress," from the difficulty in procuring flour; and in order to encourage a steady supply at home, the Act affixes a bounty to every hundred-weight of Irish flour grown and manufactured in the country and brought inland to Dublin. In 1763, this bounty was increased by another Act of the Irish Parliament, and in 1777 it was extended to sea-borne flour, the produce of the country. Between this period and the Union various other advantages and inducements were held out to capitalists to incline them to invest their property in mills, and powers were granted to bishops, corporations, and incapacited persons, to enable them to demise lands, on long leases for the building of flour mills. Public money was advanced to erect mills in districts where private capital could not be found, and at length, in an Act passed in the year 1783, entitled, "An Act for regulating the Corn Trade, Promoting Agriculture, and providing a regular supply of Corn," the present law, prohibiting the importation of foreign flour, was, for the first time introduced. It would seem as if the previous policy, and its encouragement to the millers had been found successful, and that the trade was so increasing as to hold out a prospect of its being adequate to the entire supply of the home market, and in consequence of the 18th clause, prohibiting foreign flour, was inserted in these words:—

"And be it enacted, for the further encouragement of corn mills in this country (Ireland), that no corn or grain ground into meal or flour, or made into bread or biscuit, shall at any time be imported into this kingdom, except from Great Britain, and of British growth and manufacture, under penalty of the forfeiture of all such meal, flour, &c., and a sum of 5*l*. for every hundred-weight thereof.

In 1792, the penalty was still further increased by the forfeiture of the vessel; and such continued to be the law till the period of the Union, in 1800. In every Act and proceeding of the Legislature, since, the same policy has been recommended and continued. In 1801 and 1802, a committee of the House of Commons, which sat upon the question of the corn intercourse with Ireland, especially reported the existence of this enactment, and recommended its continuance; and in the corn law passed in that year, as well as in those of 1804, 1806, 1815, 1822, and 1828, the prohibition was recognized and perpetuated; and in the discussion upon the latter bill, in the House of Commons, the right of Ireland to this protection was strenuously insisted upon by Sir

John Newport and Mr. Spring Rice; and in the House of Lords, a motion of Earl Stanhope, by way of amendment, to exclude Foreign meal and flour, even from England, also was supported by Lord Ellenborough, the Marquess of Salisbury, and others, on the specific grounds of the duty incumbent on the Legislature to protect and encourage the agriculture of Ireland through the promotion of its milling trade.—The natural effect of the confidence thus inspired into the Irish capitalist, by the assurance given him of steady protection, was the building of a vast number of mills, and so striking is the contrast exhibited in this particular now, as compared with the condition of Ireland at the Union, when there was scarcely such a thing as a flour mill to be found, that by a return of 1835 it appears that there were no less a number than 1,882 corn and flour mills then registered in that country (that return was imperfect even then, and the number has been since increased), and that Ireland, which at the time of the union was an importing country, exported to England, in 1825, 599,124 cwt. of flour and meal, and, in 1835, 1,984,480 cwt., being an increase of 1,390,356 cwt. within ten years, and within the same period an increase in the tonnage of shipping employed in that trade alone of no less than 69,267 tons, being the difference between 29,956 tons in 1825, and 99,224 tons in 1835. Subsequent returns, to which he would presently allude, show the present import to be upwards of 2,000,000*l*. He did hope that the House would weigh well the consequences, not only to the miller, but to the country in general, before they proceeded to unsettle and weaken a branch of trade so new and so prolific, and the ramifications of which extended equally to the merchant, the manufacturer, and the agriculturist. But then he was to be told that this was a groundless alarm created on the part of the miller—that this was a measure, the effects of which would only be felt, if at all, in seasons of great scarcity, and that he would be so protected by the existing duties of England, which it was proposed to apply to the new trade in Ireland, and the difference and cost of freight, that the Irish flour would still have a preference in ordinary seasons. Why, if this were really the case, and that the whole matter was such a bagatelle, he would concur that a sufficient ground had been established against the bill of the right hon. Gentleman. Why would the House, for such a temporary trifle, such an abstract and comfortless theory, overthrow the existing law, and strip the property embarked in mills in Ireland of that permanent security and protection which it had enjoyed for years before the union, and which gave it its present value? But the fact was not so, and he was prepared to show that the existing duties would not be a protection against the American miller, and that, so far from the freight being a security, the balance of the freight between a cargo of flour and one of unwrought wheat was considerably in favour of the former; so that the practical result would be this, that in years of scarcity or of crops of inferior quality, such as the present, in which (as he would presently show) the Irish miller imported foreign wheat to make up the deficiency or improve the quality of his own, the American farmer and the Dantzic miller would send us their meal and flour instead of their corn and wheat, thus depriving the Irish miller of the profits of manufacture, and the Irish poor of the supply of cheap food for the coarser produce of the mill. And first, the object proposed by the bill before the House was to permit the importation of foreign flour into Ireland at the same duties as were now paid on its introduction into England; that is to say, on every 196 lbs. of flour, a duty equivalent to five bushels of wheat. Now, experience had shown that this would be just no protection at all, as this duty was calculated on the extreme quantity of flour which five bushels of wheat might produce, thus giving the whole profit of manufacture, not to the native, but to the foreign miller. This result would be readily exhibited thus. The produce of five bushels of good Irish wheat at 60 lbs. the bushel, would be as nearly as possible as follows:—

	lbs.
Of Fine Flour	180
Seconds	30
Third	15
Bran	45
Waste	30
	300

And as the duty on 196 lbs. of ready-ground flour when imported into Ireland would be the same as on 300 lbs. of unground wheat, it followed that the direct advantage to the foreign miller would amount to 16 lbs. of fine flour in every 196 lbs., in addition to the value of the bran and the quantity of flour too coarse to be worth exporting, but consumable by the artisan, when it was retained at home. But the official evidence, in the words of the House, went to show that even this was a calculation much too favourable for the miller, and that, in order to afford him a fair protection, 196 lbs. of flour, instead of paying a duty equivalent to five bushels of wheat, should be chargeable with at least one third more. In the report of Mr. Jacob, on the corn trade of the Baltic, he states that one last of Dantzic wheat (a measure equal to 10¾ quarters), produced twelve barrels of flour fit for exportation, of 196 lbs. a barrel. In other figures, that 5,160 lbs. of Dantzic wheat would yield 2,808 lbs. of fine flour, the proportion of which, instead of being 196 lbs., produceable from five bushels of wheat, would make that quantity to return but 136 or 137 lbs. So that to protect the Irish miller at all, the duty should be calculated on seven bushels of wheat instead of five, as was proposed. It was clear, therefore, that it would be a complete delusion to rely upon the present scale of duty as any adequate protection to the Irish miller against the continental one. But then the difference of freight, it is argued, will still give the Irish miller an adequate protection. Certainly not in seasons like the present, when he is obliged to import foreign wheat for his own grinding, on which a freight will still be chargeable. And in addition to this, so marked is the difference of freight and charges between a cargo of raw wheat and one of manufactured flour, that the advantage will be manifestly on the side of the latter. A vessel of 300 tons burden will carry 1,500 quarters of wheat, and about 2,800 to 3,000 barrels of flour, and taking the relative freight of the latter at 8*s*. a quarter, and of the former at 4*s*. a barrel—the difference of freight always in favour of the flour would, in most instances, be so great as to ensure it an instant preference. But the disproportion does not end there. The case of the charges on the two articles respectively was widely different. The flour being ready for consumption would pass at once into the hands of the merchant or the baker; it would go from the ship to the consumer direct, whilst the wheat, to await the process necessary to fit it for consumption, must be stored for a longer or shorter period, and must be turned in store to keep it fresh and sound, and, in addition to this deduction for warehousing, must be sold to the miller at such a price as to bear the cost of carriage to and from the mill to be ground, exclusive of broker's commission on the sale, and of the loss to which wheat was always more liable than flour, from shrinkage and loss of weight. All these circumstances gave a decided preference to the importation of flour over that of wheat; and, besides, the Americans who manufactured the flour in the western states could much more readily transport it to the coast for shipment in that compact form than in the more bulky condition of unground wheat, and it frequently happened that the ship-owner who would decline a cargo of wheat, always a troublesome freight across the Atlantic, would be glad to accept of 400 or 500 barrels of flour, which he could readily stow, in order to complete his lading. Every incident in fact concurred to give the preference to the flour which would now come into direct and powerful competition in the same markets with the Irish miller. He was perfectly apprised of the answer with which this argument would be met. He was perfectly prepared to be asked how it came that if it was so manifestly advantageous to import flour instead of importing wheat, that England imported every year so many quarters of foreign corn, and barely any quantity of foreign flour in comparison? It was true that England did import but a trifling quantity of foreign flour, but why? Because she drew her supply of that article from the very source which it was now proposed by the bill to destroy—from the mills of Ireland. The entire import of foreign flour into England during the last twelve years had amounted only to 2,215,037 cwt., or about 100,000 cwt. per annum, whilst from Ireland her supply during a great part of the same period of manufactured corn amounted to upwards of 1,000,000 cwt. per annum, as would appear by the following calculation of the quantities of wheat, meal, or flour, and of oatmeal, brought into consumption in Great Britain from Ireland :—

In the Years	Wheat-meal, or Flour.			Oatmeal.			Total.		
	cwt.	qr.	lb.	cwt.	qr.	lb.	cwt.	qr.	lb.
1827	341,630	0	8	224,510	0	6	566,140	0	14
1828	621,568	3	22	424,748	3	12	1,046,317	3	6
1829	626,268	0	14	402,127	1	12	1,028,395	1	27
1830	672,264	3	7	400,347	0	24	1,072,840	1	7
1831	524,242	1	26	581,371	1	0	1,105,613	2	26
1832	831,434	0	16	611,412	1	22	1,442,846	2	10
1833	1,059,587	2	16	642,692	3	8	1,702,280	1	24
1834	1,110,463	3	25	772,994	0	0	1,883,457	3	24
1835	1,124,343	1	16	566,006	3	20	1,690,350	1	9
1836	1,236,498	0	0	808,522	0	0	2,045,020	0	0
1837	983,733	0	0	910,475	0	0	1,894,208	0	0
1838	1,260,253	0	0	1,119,087	0	0	2,379,340	0	0

The importation from Ireland in 1815 was but 139,230 cwt.; and this amazing increase shows at once the beneficial operation of the law which it is now proposed to repeal, and accounts for Great Britain drawing so small a supply from the mills of foreigners, whilst she had so abundant a resource within her own dominions. But before dismissing the case as confined peculiarly to the miller, there is another point of extreme hardship in the present proposition. Let the House turn its attention to its ruinous effects upon the stocks of wheat at present in the hands of the Irish millers. The design of the bill professes to be to make amends for the bad quality of home-grown wheat in seasons like the present, by permitting the import of foreign flour, with which to mix or supersede our own. But admitting fully the necessity for some such importation, the Irish miller has hitherto met the emergency by importing, not the manufactured article, but the raw material, by importing not the flour, but the wheat, with which to mix and amend the quality of his own grain. And it is a matter well known to practical men, that the quality of flour can most effectually be improved, not by attempting to mix the two flours, which it is almost impracticable to incorporate, but by mixing the two wheats in the hopper, or by dressing them off together in the final process of grinding. With a view to this process the millers of Ireland are at the present moment large holders of foreign wheat. One gentleman in his neighbourhood had this year imported 6,500 quarters, others in Belfast are similarly situated, and he had heard of one miller in the south of Ireland who held not less than 100,000*l.* worth of unground corn. By this means, even in defective harvests, the supply maintained in Ireland is not only abundant, but of superior quality. He had been given to understand that in a memorial forwarded to the board of trade from one baking establishment in Belfast, this measure, now under consideration, had been pressed upon the attention of the right hon. Gentleman (Mr. Labouchere) on the ground that flour of good quality could not now be procured in Belfast. A petition from the same town had likewise been presented to the House, but it, with more caution, abstained from making so absurd an assertion. As to that memorial from the one baking house, in order to meet it, he held in his hand a memorial signed by twenty of the first bakers in Belfast, all of whom state, that having learned that such an allegation had been made as that a supply of sound flour could not be had in Belfast, they felt it their duty to give it an instant and direct contradiction, as not only in this season, but in others of similarly defective harvests, they had an abundant supply of the best flour, ground from foreign wheat, imported specially by the millers around them. The argument for the bill, therefore, from the necessity of importing flour to amend the quality of Irish wheat fails entirely, inasmuch as it cannot be advantageously mixed when ground, whilst wheat can most readily be imported for that purpose, and all the profit of the manufacture into flour retained at home, instead of given to foreigners. The import has been large in the present year. But in the event of the admission of foreign flour, what is to compensate the miller for his inevitable loss upon the stock of wheat so laid up for the season's demand? And observe, too, that the stock must to a great extent be provided before hand in almost every year, whatsoever be the harvest, inasmuch as Ireland being an exporting country, the stock of home-grown grain in the hands of the farmer is generally exhausted about February in each year, or earlier; and the miller cannot, in Ireland, as he could in England, which thus becomes the great depository of grain, purchase from week to week the quantities required for temporary demand, without incurring the risk of keeping a heavy stock on hand. An evil which had been imputed to the corn laws was the amount of speculation which it necessarily entailed upon the dealers in grain by the present system. But if the trade were now to be compelled to speculate in stocks of flour instead of stocks of wheat, the evil would be multiplied an hundred fold, because wheat was an article which, with proper care, would keep sound for years, whilst flour was liable to heat, to sour, and to encounter numerous capricious changes which it was impossible to guard against, and on the least symptom of which the entire stock must be forced into the market, at any sacrifice, to ensure immediate sale, and thus an inevitable deterioration in prices must result even to the sound stocks in the hands of other holders. And is it any answer to a statement of facts such as these to say, that the opposition to the bill is altogether a miller's question, and that they alone are interested in resisting it. This might be a sufficient retort were the trade assailed a comparatively insignificant one, and were its petty protection pleaded in opposition to higher and more important national interests. But let the House remember, that the trade in flour was now the staple manufacture of Ireland, of equal, if not greater value than the linen trade, and even if the influence of the bill before the House was to extend no further than to the millers themselves, surely a trade which exported annually to this country close upon 2,000,000 cwt. of the chief article of food was well entitled to consideration and protection. But it was incorrect to say that the millers alone were interested; the farmer and the landowner were equally assailed through this measure. The cultivation and the growth of wheat had been found in every instance to be promoted by the establishment of mills. Lands, which before were in pasture or potatoes, are immediately prepared for wheat wherever the establishment of a flour mill holds out the inducement of a ready market. This has been eminently the case in the counties of Tyrone and Armagh, in the midst of which the mills erected on the estates of Lord Caledon have given a powerful impulse to the cultivation of wheat; and a remarkable instance had occurred on the estate of his hon. and gallant Friend, the Member for Donegal, where a flour mill had recently been built, in a district in which not a blade of wheat had been grown before; and such was the instant change, that in one week in this year no less a sum than 1,500*l.* had been paid at the mill for wheat grown in the district immediately surrounding it. It was quite clear that any discouragement given to the prosperity or the increase of mills, such as was threatened by this bill, must put an immediate check to all such instances of agricultural advancement. Such was the opinion of Mr. Spring Rice, who in the debate on the Corn Bill of 1827, declared that—

> "The establishment of mills in Ireland had been a great means of promoting the culture of wheat; and the substitution of that grain for the potato, as a general article of food, was considered, on all hands, to be a great step towards raising the moral character of the Irish peasantry. But by any encouragement given to foreign flour, in his opinion, the milling interest of Ireland would be wholly ruined."

Fortified by such an authority as this, he was quite prepared to meet any assertion from the opposite side of the House, that this was not an agricultural but a miller's question. But there is another and most important class whom this measure ostensibly professed to serve, but on whom he was prepared to show that it would inflict a serious injury—namely, the operatives and the labouring classes in Ireland. The great outcry against the Corn-laws in England was based upon the assumption that they tended to render the food of the artisans of that country more expensive than that of the operatives of foreign countries with whom they had to compete. Now, he was prepared to show that such would be precisely the effect of this measure upon the operatives of Ireland. The mere cost of converting wheat into flour, the miller's profits, in short, in Ireland, and in the countries from whom Ireland, would be likely to import flour, would, so far as he could ascertain, be pretty nearly equal; but the country in which the corn was ground for export would always have this advantage, that, whilst the fine sorts alone were worth exporting, the coarse and the secondary flour went to increase the quantity, and consequently to diminish the cost of the food of the operatives and middle classes. In addition to which, the employment afforded by the mills themselves supplied great numbers, perhaps from 40,000 to 50,000 persons in Ireland, with a ready means to purchase them, so that the native mills always combined these three recommendations — steady wages, and increased quantity of food at lower prices. In any country the fair proportion of value between fine and coarse flour can only be maintained where the entire produce of the wheat is taken into consumption. But there being but one scale of duty on all flour proposed to be imported, it follows that the first and finest only will become a matter of import in this country, thereby augmenting the quantity, and of course diminishing the cost of the food of the rich, whilst the foreigner, producing beyond his own consumption, and exporting only the finest qualities, reduces the value of the coarse kinds, which he retains at home. In exact proportion as he increases their relative quantity, and thereby gives a direct advantage to his own operatives over ours. At the same time the import into Great Britain producing an excess of fine flour over coarse, destroys the relative quantity of the latter, and augments its cost to the British operative. Besides, it follows from that, that every pound of fine flour imported into Ireland will prevent the growth of a corresponding quantity of wheat in that country, and of course exclude a proportionate amount of coarse flour from entering the market. The effectual method to release the operative and the poor is to diminish the price by increasing the quantity of the food they consume, and by far the most obvious expedient is the encouragement of the native mills, which afford not only the food to be bought, but the wages wherewith to buy it. If from any adverse circumstances of defective harvests, or of unsound native grain, it becomes necessary to import at all, that import should be the raw material, and not the manufactured article. We should import not the flour but the wheat, the grinding of which secures the profits of the process to our own capitalists instead of foreigners; gives employment to our own operatives instead of theirs, and augments the quantity whilst it diminishes the cost of the food of the middle classes, whilst every barrel of foreign ground flour we import takes away not only a proportion of food, but a proportion of employment from our own mechanics. Such were the views of this question taken in 1827, by Sir John Newport. If we must be driven to import at all, let it be grain and not flour:—

"If grain were imported," he said, "the worst and the middlings went to support the poor; but where flour was imported it was the best sort, and was consumed exclusively by the rich. In the first instance, our own poor derived the benefit; in the latter it went to the poor of other countries; and he was convinced the House would not consent to give away that benefit to foreigners."

But he had already shown that the scale of duties and of freights upon wheat and flour respectively exhibited the balance so strongly in favour of the importation of the latter that it could not fail to be preferred, and he would beg the attention of the House for a very few minutes to permit him to point out the injury which would result not only to the operative in the cost of provisions, but to the agriculturist and the farmer by the loss of the pollard and bran for feeding cattle, a resource which in towns also was a matter of the utmost importance. According to the calculation he had already read to the House it appeared, that from every five bushels of wheat manufactured in the country the poor derived forty pounds of coarse flour, and the farmer fifty pounds of bran, exclusive of less valuable offal for fodder, both which items must, as a matter of course, be lost, if the flour were imported in place of the wheat. And if such be the loss upon five bushels, apply the same scale, and look at the loss upon an entire cargo. A ship of 300 tons burden would carry as he had stated, about 2,800 barrels of flour, or 1,500 quarters of wheat, and, in the event of the owner preferring to freight her with the latter, the produce, as consumed in England, would be as follows:—

1,500 qrs. at 480 lbs. the qr. amount to 720,000 lbs. or 6,428 cwt. 2 lbs. 8 oz. will produce—

	lbs.		c.	qrs.	lbs.
Fine flour fit for export ..	432,000	being	3,857	6	16
Second ditto ..	72,000	„	642	3	12
Coarse ditto ..	36,000	„	221	1	20
Bran and Pollard	108,000	„	946	1	4
Waste	72,000	„	642	3	12
	720,000		6,428	2	8

He had shown, that on the balance of freight and costs, it would always be more profitable for a speculator, should this law pass, to import flour than unground corn; and, in that event, the positive loss even on a single cargo would be no less than forty-eight tons of food for the operative, and forty-seven tons of bran to the farmer—a loss which would be avoided by allowing the law to remain as it is, and thus securing the manufacture to ourselves. He did feel that the more fully the question was investigated and scrutinized, of the more extensive importance would it prove, and the more clearly would it be discovered to be not only a miller's, but a manufacturer's and an agriculturist's question. He had to apologise to the House for the length at which he had ventured to address them upon this question, but the importance which he attached to it, would, he hoped, plead his best excuse. He saw in it, not merely the immediate injury of the miller, by the depreciation of his heavy stock on hand, but the permanent depreciation of his property, embarked and invested in buildings and machinery. He saw in it double injury to the operative, by at once augmenting the value of his food, and diminishing the amount of his employment; and, above all, he saw in it, an inevitable blow inflicted upon the agricultural advancement of Ireland. The principle of assimilation between the laws of England and Ireland failed as an argument in this case. The measure might be a good one as regarded England, which was already an importing country in the article of flour, but it was preposterous as regarded Ireland. It was carrying coals to Newcastle, to provide for importing flour into a country, which already exported nearly 2,000,000 cwt. of it every year, unless it was meant to supplant that export. But, if not in intention, it would, at least, prove in operation a heavy blow and a great discouragement to the agriculture, which was the sole reliance and support of that country. It was on this ground that he relied on the assistance of those who represented the English Agriculturists in that House to resist it. Their security in this country lay in making common cause with the agriculturists of Ireland. So long as England had Ireland at her back, as her granary, as a second Sicily, to supply all her wants, she had an unanswerable argument in reply to those who sought to supply her with food from the continent; that she could draw that supply from home, and from an integral part of her own empire. This answer she could have so long as Ireland was in a situation to meet her demands, but if England allowed the agriculturist prohibition of Ireland to be invaded or weakened in the least degree. Every step by which Ireland was incapacitated from supplying her, was an approach towards a dependency on other countries for her food. The present measure was an attack upon the security hitherto enjoyed by the Irish agriculturist. It was so in Ireland, and he did firmly hope that he would have the co-operation of the English agriculturists in resisting it. The right hon. Gentleman who introduced the bill (Mr. Labouchere), seemed to consider it a measure of limited practical importance, and operative only in peculiar seasons. He had laboured to show that the contrary was the fact, and that it would prove instantly and actively detrimental. He had endeavoured to show that it would be a violation of public faith, relying upon acts of Parliament unrepealed for nearly half a century—that it would cause the immediate destruction of the miller's stock in Ireland, and the ultimate deterioration of his vested property—that neither the duty proposed, nor the ordinary checks of freight and costs, would be any protection to him—and that both to the operative in the price of provisions, and to the agriculturist in the growth of wheat, it would be a serious and instant injury. And if in any one of these points he had succeeded in establishing his case, he had just grounds for calling on the House to support the motion that the bill be read a second time this day six months.

Colonel *Conolly*, in seconding the motion, begged to impress on the House, as had been stated by some Gentlemen, that this was merely a miller's question. In Ireland the position of the miller was totally different from that of the same person in England. In Ireland the increase of mills had most materially advanced the interests of agriculture, because it had substituted the cultivation of wheat for that of oats and barley, and had thus greatly diminished the temptation to illicit distillation. The miller would certainly be the first person who would be injured by this law, because he had considerable capital invested in his mill, and also in his stock of British and foreign corn. There was now enough of foreign corn in Ireland to supply the momentary deficiency, and he trusted that advantage would not be taken of the momentary scarcity which had existed, to effect a permanent injury on the country. If the House passed this act, they would be breaking faith with those parties who had built eighteen hundred mills on the security of the present law. In the next place they would be injuring all the millers who had lately embarked their capital in foreign corn to mix with the damaged corn of the last harvest. On the whole, he could see nothing but injury in introducing foreign flour into an exporting country, injury to the millers as capitalists, who had been stimulating agriculture by finding a market for surplus produce, and injury to the poor, in fact to the entire interests of Ireland. He was satisfied that nothing was wanting but to let this matter be known in Ireland, to have it universally condemned. He said this from his own positive knowledge, and he felt that the bill, by introducing foreign flour, would destroy the agricultural interests of Ireland. He could not think that Government would persist in the measure, seeing that the applications in its favour had been very few, and that it was calculated to effect such general injury. The only argument which had been urged in its favour was, that it would assimilate the law in Ireland to the English law. His highest wish had always been, to assimilate everything in Ireland to English manners and habits, but in this particular point the assimilation could only be injurious. He would merely further remind the House, that the introduction of mills into Ireland, had materially improved the diet of the lower orders, as it had been the means of substituting very generally, the use of seconds and thirds flour for the inferior food of oatmeal and potatoes. In conclusion, he would beg the right hon. Gentleman the president of the Board of Trade, to pause before he insisted on a measure which must greatly depress a country now making great exertions to raise itself.

Mr. *Labouchere* said, that he gave the gallant Gentleman most entire credit for the sincerity of the alarm and apprehension he had expressed for the consequence of the bill, at the same time he must say, that he believed never was so much alarm and apprehension expressed on such very slender grounds. He never did, in his intercourse with the Irish landlords, attempt to exaggerate the importance of the measure; but this he said, that believing it to be founded on just and fair principles—utterly denying it would prove injurious to any of those great interests in Ireland, which he should be as sorry to inflict a wound upon as any Member of the House—having received memorials from Ireland from parties complaining of the state of the law—believing the law to be absurd in principle—that whatever practical effect it might have, must be impolitic and injurious—under these circumstances, he felt it his duty to bring forward the measure himself. At that time he did not expect to encounter so strong and determined an opposition on the part of the Irish Members; but, although that was the case, he could not say that he repented of having undertaken the task. On the contrary, he was glad of the opportunity of discussing this question. He was prepared to rest his support of this bill on two principles. In the first place, he said, that the alteration of the law could not possibly have any practical effect whatever under ordinary circumstances, and he also said, that so far from this doing harm to any interest in Ireland, it, in reality, would have no operation at all. The idea that Ireland was to be deluged with foreign corn was an absurdity. If there was a disposition to send foreign flour into this country, it would, of course, flow to that port which received flour from the others. Ireland being the granary of this country, and exporting flour, foreign flour would not go there, and therefore the bill would be totally inoperative. But if circumstances should arise under which foreign flour would go there, paying the same duty as it would pay in England, then it ought to be allowed to go. Allusion had been made to Ireland being an exporting country, and he wished to direct the attention of the House to a return of the quantity of the grain, meal, oats, &c., brought into Great Britain from Ireland, in each year, from 1818 to 1839. The right hon. Gentleman read the following return :—

Years.	Quarters.	Years.	Quarters.
1819	967,680	1830	2,215,521
1820	1,415,723	1831	2,429,182
1821	1,822,816	1832	2,990,767
1822	1,063,089	1833	2,737,441
1823	1,528,153	1834	2,792,658
1824	1,634,000	1835	2,679,438
1825	2,203,962	1836	2,958,272
1826	1,693,392	1837	3,030,293
1827	1,828,460	1838	3,474,302
1828	2,826,590	1839	2,240,250
1829	2,307,244		

Now a country the right hon. Gentleman continued, which could export its produce on so large a scale, might rest assured, that not only its agricultural but its commercial prosperity did not rest on such flimsy and fallacious grounds, as the hon. Gentleman who preceded him had endeavoured to represent. It rested on the general fact, of Ireland being a great grain-growing country, and having the markets of England to bring that flour and grain to. The hon. Member for Belfast had said, that the bill was like a bill to permit coals to be carried to Newcastle, and certainly he (Mr. Labouchere) should have thought it just as reasonable for the hon. Member for Newcastle to rise to oppose such a bill, as it was for the hon. Member for Belfast to oppose this bill. Except under special circumstances, the bill would not only produce no bad effects, but it would produce no effects at all. He could not help calling the attention of the House, to the circumstance how little foreign wheat was directly imported into Ireland—he meant directly from foreign countries. In 1835, not a single quarter of foreign wheat was imported into Ireland. There were imported

	Quarters.
In 1836	551
1837	2,587
1838	7,980
1839	37,559

the demand being of course great in the latter year. There was nothing at present to prevent the English miller at Liverpool from grinding flour and importing it into Ireland. He had heard it stated, that serious apprehensions were entertained, that a smuggling trade in corn would be organized from Liverpool to Ireland, and that foreign corn warehoused in Liverpool, would be thus transported into Ireland. There was, therefore, a positive call for the present bill under the circumstances of the corn trade. It was generally known, that a short crop of Irish corn had been gathered in the last and in the preceding harvest. The quality of the corn of last harvest, was extremely inferior, and it was required, therefore, that in order to render the bread proper and wholesome for use, that there should be obtained a supply of other than Irish flour; namely, flour of a finer description to mix with the Irish flour. So far it was a question of convenience, and the consuming population had a right to have the staple commodity of life of a wholesome quality, and also to have it supplied in the manner most convenient for use. If the public did not require the foreign flour, it would not go there. And it was unreasonable to answer the demand of the miller in Ireland, that he ought to be content with having the same protection for his trade, that the English miller possessed. The question was not one of very extensive enactment, and its operation was but circumscribed. Still it was one so grounded and supported in justice, that he could not doubt the House would see the necessity of giving the support which it merited.

Mr. *Shaw* remarked, that although the speech of the right hon. the President of the Board of Trade, might be an answer to the statement made by his hon. Friend, that right hon. Gentleman had, strange to say, made out no case for his own bill. Since the right hon. Gentleman sought to effect a change in the Corn-law of that country, he ought to show the necessity that existed for the change, and that it was sought by some influential parties. The landed interest, the landlords and the millers, were all alarmed, yet the right hon. Gentleman had not condescended to say, at whose suggestion or solicitation the bill had been brought into Parliament, and only one petition had been presented in favour of the measure. It was acknowledged, that the production of the bill had created an immense panic in Ireland, in consequence of the large capital that had been embarked in bonded foreign corn, for the purpose of admixture, relying upon the faith of the existing protection.

Sir *D. Norreys* supported the measure. He heard no reason alleged against it, except that the millers were alarmed, a class of men who greatly overrated their own importance. They substituted cause for effect. It was not the building of mills that had made agriculture prosperous, but the prosperity of agriculture that had caused the increase of mills.

Mr. *Hutton* supported the bill, because he believed that it would be a great advantage to the community to remove the prohibitory law which created a difference between England and Ireland in respect of the subject of that measure. He supported it likewise because he was convinced that, whilst it would not in the slightest degree injure the agricultural interests of Ireland, it would very much tend to benefit that country.

Mr. *O'Connell* said, his constituents were anxious to have the bill, and that was his answer to the arguments of the right hon. Gentleman, the Member for the University of Dublin. It was, he considered, a great advantage to abolish all restriction as between England and Ireland; and he, for one, was for putting the Corn-law in the one country on the same footing as in the other. For the last three years, the corn crop in Ireland had been not alone deficient in quantity, but also inferior in quality; and it was an established fact, that not one-third of the usual amount of corn in the years preceding had been exported from that country in 1839. One of the advantages proposed by the bill in question would be to secure a quantity of good dry flour to mix with the bad damp flour, now the only kind to be had in Ireland. It was quite idle to say that this measure would injure the agricultural interest of that country. Year after year the exportation of corn and flour had gone on increasing, and it would still go on in the same manner when the temporary circumstances of the present season was over. In fact the great ground of the bill was its necessity, and never had he heard such unfounded opposition as had been made to it—that fact being left altogether out of the question by its opponents. The importation of flour into Ireland, then, could never become a permanent thing, and consequently no injury could accrue to any interest at present connected with the trade in that commodity. Wheat was allowed into Ireland from abroad, why deny flour? But the cause was obvious; it was that millers should make a profit. That was the real ground for opposition to the bill, and that was only a robbery of Peter to pay Paul, after all. The question was solely a miller's question. The Irish millers wanted to grind the middle classes of that country as the landlords ground the poorer classes. They wanted to reap double profit. Would the House abet them in that design? But there was another ground of support, not less powerful for the bill. Bad flour, as all men knew, generated a disease in the consumer, or at all events, predisposed the body for its reception. At the present moment typhus fever raged to a fearful extent in Ireland—in Belfast, it was as severe as it could be. Did the hon. Gentleman who opposed the bill mean to poison the middle and upper classes with bad flour, and thereby either produce or predispose to that dreadful disease among them? That would be the inevitable consequence of rejecting that bill, for, after all, the question was one of life and death for Ireland. It might be a subject of merriment to hon. Gentlemen, but it would be otherwise were they compelled to consume that damaged flour, and risk the loss of their health and lives by means of typhus fever. Under these circumstances, he should support the bill.

Mr. *Litton* said, that, if ever there was a bill to benefit the rich at the expense of the poor, it was the bill in question. No one in Ireland could gain anything by it except the upper classes, who alone, of all the population, used fine flour, and the bakers. The bill besides would do a positive injury to the labouring classes; for it would tend to the direct destruction of the only manufacture now left in that country—the manufacture of flour. There was no reason for the bill—there were no petitions in its favour; there were many against it. The millers had sunk a large capital in the manufacture of flour, on the faith of the restriction sought to be repealed, and he considered that they were fully and fairly entitled to protection. On those grounds, he would oppose the bill.

Mr. *O. Gore* said, that it was only right that some hon. Member connected with the agriculture of England should express an opinion on the subject, as it was not wholly an Irish question, but in some wise connected with the English Corn-laws; and deprecating, as he did, the slightest infraction of those laws—he could not let the subject pass over in silence on account of the agricultural interest of this country. Would not the facility of importing foreign flour into Ireland increase the facility of importing it into England also? Yet that was the object of the bill. The right hon. President of the Board of Trade had adduced no arguments in support of the bill, he had only replied to the objections to it. It was in his (Mr. O. Gore's) opinion going far too fast for the Government to bring in a bill to repeal a law which had worked well from 1783, which had been passed in an Irish Parliament, which had been discussed in committees from 1774 to the period of its passing, and which had been found in no way to injure the interests of the country. He saw no reason for the change, and on that ground, if there existed no other, he would set his face against it. But there were other grounds. What benefit would it be to the poor of Ireland? It was not a poor man's question, but a rich man's question. The bakers of Dublin and some others were interested in it. Besides which, as had been already alleged, it would bear hard upon the only manufacture Ireland now possessed. In his opinion, the House should leave well alone; and unless the right hon. Gentleman consented to postpone it, he would give it his opposition.

Lord *J. Russell:* The right hon. Gentleman opposite (Mr. Shaw) has said, that my right hon. Friend, the President of the Board of Trade, has done no more than remove the objections to the bill; and the hon. Gentleman who succeeded him almost admitted in terms that my right hon. Friend had silenced the alarms felt on its introduction. Now I maintain that, if the objections are removed, the reasons given in support of the measure are quite sufficient. It is proposed by the bill to remove a restriction—a restriction, be it remembered, which there exists no ground of danger, of policy, or otherwise, to continue any longer. Now I contend, that such a restriction in itself is a positive evil; and the objection to its removal being satisfied, I contend that its removal is a positive good. The objections once removed, afford a sufficient reason for the removal of the restriction. If the people of Ireland wish to import foreign flour under the conditions of the bill, I think that they should be permitted to import it. It is a question of self-interest, which each man must be left to decide for himself. You cannot teach people upon that point by legislation. As to any danger in respect to the bill, the hon. Member for Belfast has completely proved its impossibility, from the statistical documents that he read to the House. The interest of the people of England and Ireland coincide in this case, as the hon. Member clearly showed too. The reasons he alleged against it were two-fold—the duty on foreign flour, and the near neighbourhood of Ireland. Now neither of these are affected by the bill; for my right hon. Friend does not propose to increase the duty on flour coming into England; and I know that it is not his intention to remove Ireland any further off than it now is from this country. The bill, however, rests for its support on the general principle that there should be no restriction or prohibition without strong reasons. Mere restriction or prohibition for its own sake, either imposed or kept up is wanton, useless, and mischievous in legislation, and it is nothing to me in its favour whether it is legislation of a year since or of sixty. I feel that the Irish millers have nothing to fear from this measure, and I cannot, on any side, see any sufficient grounds why the House should not support it.

Mr. *F. B. Beamish* said, that as a person interested in milling, and having a large capital invested in that trade, he considered the existing prohibition against the importation of foreign flour wholly unavailing. He thought the Irish millers were frightened by an imaginary evil into opposition of the bill before the House; for in all the petitions presented against it, he saw nothing like a substantial argument. He admitted that there were not sufficient grounds to bring forward the measure at the present moment; but he held that a restrictive law on trade was better repealed at any time than permitted to remain on the statute-books. He hoped, however, that the right hon. Gentleman would so modify his bill as to postpone its operation to a later period than he intended.

Mr. Sergeant *Jackson* was happy to bear testimony to the kindness and consideration exhibited by the hon. the President of the Board of Trade yesterday in the reception of the deputation. He had received many communications from various parts of Ireland, and one petition to present from sixty millers in the county of Cork, deprecating the hasty enactment of this bill—a bill which he believed was not called for by any class of men in Ireland. He thought that they ought not to pass a bill in such a shape as to have an *ex post facto* effect on vested property in Ireland. The hon. Gentleman opposite, who had advocated the repeal upon principle, had nevertheless candidly admitted, that its operation ought not to be suffered to have a deteriorating effect on the large stock of flour already on hand. He quite agreed with that hon. Gentleman, that the millers of Ireland ought to be allowed time to work off that stock, and also that they should be permitted time to collect and express their opinions on the effects of the measure.

Mr. *W. Roche* said, that the milling interest of Ireland had been taken unexpectedly and abruptly by this proposition. He had always advocated such a change in the Corn-laws towards Ireland, but he considered this question only a fragment of the subject, and one which might justifiably be postponed in the present posture of affairs.

Mr. *Callaghan* said, that he also had been requested to support the prayer of the petition of the sixty millers. The hon. Member for Belfast had urged three reasons against the proposed measure; first, that it was not called for by the petitions of any large portion of the community: that might be a good reason in a doubtful matter, but none in one of practical enlightened state policy like the present; second, that the duty on foreign flour was calculated on too favourable a scale for foreigners compared with our wheat, but that was a point settled and regulated long ago; third, that a great injury would be done to the millers, who had laid in a stock and had it on hand. He was not a miller himself, but he owned several mills, and he was not afraid of the effects of this measure. He recollected when Irish flour had been rejected in the North of England, but the wants of Cheshire and Lancashire had caused it to be sought after, and thus it would, if freely permitted, work its way according to its value and the growing wants of the country. He was not afraid that any importation of foreign flour into Ireland could injure the Irish millers. The foreigner would not send it to the country where it brought a low price, but to that where it would bring a high price. There was a great general call for this permission to import from the merchants of Belfast and other ports in the North of Ireland. At present, they could not get back flour in exchange for their manufactured goods from America without sending it into an English warehouse at great inconvenience. The House might feel assured, that the merchant would not attempt to send this return flour into Ireland in ordinary years, for he could get no remunerating price for it. There was a growing degree of intelligence in Ireland springing out of the absence of political distinctions that led men to look comprehensively at national questions like the present. For his part, he was satisfied with the laws that were found good for England—but he agreed with his hon. Colleague that, as there were sixty millers who declared that this measure would injure them, it would be only fair to postpone it to give them the time they asked for. He thought that the millers ought to have the power of grinding foreign corn in Ireland for export to the colonies, as foreigners notoriously did at present by mills expressly built on the continent for grinding corn to be introduced there by smuggling or otherwise.

Mr. *Brotherton* said, he was against any postponement of the measure. This was the time to pass it with any advantage to the people of Ireland. It was a miller's question, and they obviously intended to grind the face of the poor, but he would stand up for the consumer. He was reminded of the fact of the existence of a mill in Manchester, some eighty or ninety years ago, by which a couple of millers monopolised the grinding of corn for all the town at such extravagant prices that an epigram was made to keep the fact in remembrance:—

"Bone and Skin,
Two millers thin,
Would starve us all, or near it;
But be it known
To Skin and Bone,
That flesh and blood can't bear it!"

Mr. *Labouchere* said, that he felt rather disinclined to agree to a long postponement. If the Irish Members were to agree to the second reading of the bill as it stood, he would not press any further proceedings till after Easter.

Mr. *Wakley* rose among cries of "Question." He said, he had never manifested any impatience at all to the nonsense and twaddle uttered by others, and they must show a little similar patience towards him, otherwise he would give them cause to exhibit a great deal of impatience. He asked if it were true that the bill was necessary for the health of the people of Ireland? Was it true that the quality of the wheat was so bad as it was represented? Was it calculated to produce disease there? Every Member who had risen from thence, had stated, or admitted, that it was. Therefore, this bill ought to be passed as early as possible, and it would be better that the two Irish gentlemen, who complained of its probable effects on their property in flour, should be compensated, than that any delay should be caused on that account. The hon. Gentlemen on the other side were afraid that this measure would introduce more food into this country. The conduct of the landlords was creating daily more indignation and disgust. It was impossible that the Corn-laws could stand, the national feeling was so strong against it, He agreed to this measure only that it might be passed quickly. If the effect of the opposition to this measure would be the creation of disease in Ireland by limiting the population to the use of bad corn, then every Member who joined in the opposition would be auxiliary to the infliction of typhus fever on that unfortunate country.

The House divided on the original motion:—Ayes 154; Noes 102: Majority for the bill 52.

List of the AYES.

Abercromby, hn. G.R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Bailey, J.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Beamish, F. B.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, W. J.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, E.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Chapman, Sir M.L.C.
Clayton, Sir W. R.
Clive, E. B.
Collier, J.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
D'Eyncourt, rt. hn. C.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duncombe, T.
Dundas, F.
Elliot, hon. J. E.
Ellis, W.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Gordon, R.
Greene, T.
Greg, R. H.
Greig, D.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Guest, Sir J.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Hobhouse, right hn. S. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Humphrey, J.
Hutton, R.
James, W.
Jervis, J.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lushington, C.
Lushington, right hn.
Macaulay, right hon. T. B.
Mackenzie, T.
M'Leod, R.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oswald, J.
Paget, Lord A.
Palmerston, Lord
Parker, J.
Parnell, right hon. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Pinney, W.
Pryme, G.
Ramsbottom, J.
Reid, Sir J. R.
Roche, E. B.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Standish, C.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Tancred, H. W.
Teignmouth, Lord
Thompson, Alderman
Thornley, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Tufnell, H.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Vivian, rt. hn. Sir R.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Steuart, R.

List of the NOES.

Alston, R.
Archbold, R.
Archdall, M.
Attwood, M.
Bagge, W.
Barrington, Viscount
Barry, G. S.
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Brabason, Sir W.
Bramston, T. W.
Bridgeman, H.
Broadly, H.
Butler, hon. Colonel
Cantilupe, Viscount
Cochrane, Sir T. J.
Cole, Lord
Cooper, E. J.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Darby, G.
Dick, Q.
D'Israeli, B.
Dowdeswell, W.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Du Pre, G.
Eaton, R. J.
Ellis, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Follett, Sir W.
French, F.
Gladstone, W. E.
Gore, O. J. R.
Gore, O. W.
Grimsditch, T.
Halford, H.
Holmes, W.
Hope, G. W.
Hope, hon. C.
Jackson, Sergeant
Johnstone, H.
Jones, Captain
Kelly, F.
Kemble, H.
Kirk, P.
Knatchbull, right hon. Sir C.
Knightley, Sir C.
Knox, hon. T.
Litton, E.
Lowther, J. H.
Lygon, hon. General
Lynch, A. H.
Mahon, Viscount
Meynell, Captain
Miles, P. W. S.
Neeld, J.
Norreys, Lord
Ossulston, Lord

Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, R. T.
Perceval, Colonel
Perceval hon. G. J.
Pigot, R.
Polhill, F.
Praed, W. T.
Redington, T. N.
Richards, R.
Roche, W.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sandon, Viscount
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Colonel
Smyth, Sir G. H.
Somers, J. P.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Sutton, hon. J. T. M.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Welby, G. E.
Westenra, hon. J. C.
Young, Sir W.

TELLERS.

Conolly, Colonel
Tennent, J. E.

Privilege. Stockdale *v.* Hansard—The Sheriffs.] Mr. Alderman *Thompson* called the attention of the House to the case of Mr. W. Evans, whose health had materially suffered from his imprisonment from close confinement, and from the nature of the room in which he was placed. If his imprisonment were continued much longer, it was impossible to say what serious consequences might follow. The privileges of the House had been fully satisfied, inasmuch as the Court of Queen's Bench had decided that the return to the writ of *habeas corpus* was sufficient. Another ground of his motion was the admission of the great defect of the law of Parliament on this question, and of the necessity for a declaratory bill. It was impossible that the present state of things could be allowed to continue—that the sheriffs must be punished either by that House for the discharge of an ordinary official duty, or by the Court of Queen's Bench for omitting to discharge it. They had been led to expect that a declaratory bill would be introduced into that or the other House; if not, what was the consequence? A writ of inquiry had been left with the sheriffs, ordering them to summon a jury to assess the damages, which were laid at 50,000*l.*, by Thursday next: If they did not execute that writ, they would be committed for contempt by the Court of Queen's Bench; or, if they did, the same fate would await them from that House. It had been said out of doors that one purpose for which the sheriff was continued in confinement was to ascertain the feeling of the other House. He did not believe it; but there was a strong expression abroad to that effect. The sheriffs had been charged as contumacious in presenting a petition to the House of Lords; but their only object was to make the House of Lords acquainted with the circumstances, in order that that might lead to a conference between the two Houses, and that some bill might be brought in declaratory of the state of the law. The hon. Member concluded by moving "that the authority of this House having been vindicated, it is the opinion of this House that its privileges may be best maintained by the present discharge of Mr. Sheriff Evans from the custody of the Sergeant-at-Arms."

Mr. *Darby* seconded the motion. On what grounds did they detain that Gentleman? Did they keep him as a sort of hostage for the safe custody of their declaratory bill? The law officers of the Crown, knowing that actions were going on, ought to have been prepared the other night to state the course which they proposed to pursue. In what a situation were the sheriffs placed by that want of decision. If they intended to carry out their principle, they ought to stop the action at every stage—certainly before it reached the sheriffs. When the noble Lord had said that it was impossible to stop these actions, and that it was necessary that a declaratory bill should be passed, from that moment they ought to have discontinued their proceedings against individuals. Did the noble Lord still propose to introduce a measure? If so, there was no reason for detaining this gentleman. They had no right to treat him as a hostage; and the noble Lord having stated that it was impossible to vindicate the privileges of the House through the sheriffs, their imprisonment ought now to cease. The Solicitor-general had stated, that if the Government did not carry out his course, he would vote for the instant relief of the sheriffs. Was he not as strictly bound by that declaration as any pledge could bind him? But the hon. and learned Gentleman had not redeemed his pledge; and he (Mr. Darby) was glad that he had now the opportunity of redeeming it.

Lord *John Russell* had nothing to say on this motion, except with reference to what had fallen from the hon. Gentleman who had spoken last. He conceived the state of the case to be this: they were endeavouring to vindicate the power of printing and publishing their proceedings; that power was interfered with by what had taken place, and in consequence of that interference, the House had voted the sheriffs guilty of a breach of the privileges of the House. How, then, could it be said, that their privilege had been vindicated without the power of maintaining the publication and the printing. He could not see the force of the argument of the hon. Alderman, that the privilege had been now established, and that if the question again came before the Court of Queen's Bench, that court would not now interfere. He had stated, on former occasions, that the power of the House was sufficient to vindicate its privileges; he had always said that the House had the power, but it was a power of such a nature, that its exercise would create public inconvenience, and therefore it was, that he had said also that other measures might be desirable. He had not said so from any want of power in the House, or from any doubt of the justice of their proceedings, but on account of the public injury and inconvenience which might follow from the exercise of their powers, because, as the powers of the House had been exercised in former times, when there was less clashing of interests, they had been found ample. As to the point which had been urged of compassion, the question was, whether they could maintain, by their own power and authority, their own privileges, without committal. If they could maintain them without, they might consistently indulge their feelings of compassion. But they had no right otherwise to indulge their compassion. He would put the case the other way. If the judges should issue an order, and if the persons to whom such order was directed should disobey it, would the judges yield to any sentiment of compassion? Would they not issue an attachment, or make a rule absolute, or take some other steps out of any compassion? No; they would state what was their power and authority, but they would not admit that what was necessary to maintain their power as a court of justice, should be given up out of any such feeling; and if the courts of law would not do this, he did not see why the House of Commons, when its privileges of great importance were at stake, should give up those privileges from a feeling of compassion. He would give the present motion his decided opposition.

Sir *Edward Sugden* said, that if the noble Lord intended to keep the sheriff till the House should be able to exercise its privileges free and undisturbed, he would uproot the law of the country; for if the noble Lord were prepared to keep the sheriff in custody till the privileges of the House should be free and undisturbed, he was prepared to go as far as the Solicitor-general, and as far as the power of the House would extend, to make the imprisonment perpetual. The noble Lord said, that no mercy was shown by the courts of law, but those courts could show no mercy; those courts were bound to administer the law, and to exercise their power under an oath. Here, however, the sheriffs were placed in a conflict which they had not sought, and the House would commit them if they did a particular act, and the courts of law would commit them if they did not. He had himself a motion which he intended to bring before the House when the present motion should be disposed of, and as he must divide upon his motion, he would now state the grounds why they ought to rescind the resolution to which they had come, ordering the sheriffs to repay the money to Messrs. Hansard. The first ground was the illegality of the original order, upon this clear and manifest ground, that what the House had done, in ordering the sheriffs to pay the money, was, in truth, imposing a fine upon the sheriffs. They had no power directly to impose a fine, and they ought not to do indirectly that for which they had no direct power. The money had been already paid to Mr. Stockdale, to whom the Chief Justice stated most justly, that it belonged as much as the estate of any Gentleman in that House belonged to him; and if the House of Commons enforced the order to which it had come, the sheriffs would have to pay the money out of their own pockets, because they had already paid it, and they would have to pay it again to Messrs. Hansard. They would thus, in fact, fine the sheriffs, and break one of the main principles of the constitution. This ground would probably be disregarded, but the next which he would submit would be, that the circumstances had changed, and he was sure that the House would feel the justice of this reason. When they ordered the two persons, who were in fact one officer, to pay the money, they had both in custody, and the money would come from the pockets of each, probably in equal proportions; the House had since discharged one of those persons, and the order could be enforced against him only by taking him again into custody; they might incarcerate the discharged sheriff, but if they did so, the noble Lord would only place himself and the House in a ten times more painful situation than at present. Having then discharged the one sheriff, could they equitably retain the other, and make him pay the whole 640*l.*? On these grounds he should have thought that the noble Lord would have considered, that the proper time had arrived for the release of the second sheriff. The difficulties were only accumulating. The sheriffs were asking the noble Lord how to act, one under-sheriff had received the writ of enquiry, and he would be compelled to execute it unless he was saved from the power of the Court of Queen's Bench. Punished by one or the other he must be. The House had not the power to defend him, and imprisoned he must be; and his only choice was, by which authority it was to be. The under-sheriff, then, would sit to execute the writ of inquiry. Would they commit the jury? Would the English people approve of such a step? Counsel were, as he understood, retained on the writ of inquiry. If they were retained, they would attend; and would the House again shrink from committing them? Was the House prepared to commit the counsel? If they took the under-sheriff, who sat as judge, they would find it impossible not to go on to the Court of Queen's Bench. If they did this, how were they to enforce their orders—would they call out the *posse comitatus?* In fact, any further steps would lead to serious results. But there was yet time for the noble Lord, on sufficient grounds, to retrace his steps, and to save all further inconvenience. If the noble Lord persisted, he would not be able to establish the power of the House to print and publish, because the courts of law had denied that power; but the House had vindicated its power, because it had shown that it had the power to commit. He had always admitted, that the House was the judge of its own privileges; it had that power, and yet it could only take into custody and commit. It had not the power to declare its own privileges, or any privilege against the rights of British subjects in any court of law.

Mr. *Godson* said, the question was whether twenty-three days' imprisonment of a fellow creature was not sufficient punishment for the offence which had been committed. For his own part, he thought, that their privileges had been sufficiently vindicated. The great law authorities in that House, the Attorney-general, the Solicitor-general, the Lord-Advocate of Scotland, and the Solicitor-general for Ireland, together with the Leader of the Liberals and the Head of the Conservative Party—indeed, all the great men and good men of all parties had told them, that they had the privilege, and was not that sufficient? Would the further imprisonment of the sheriffs have any influence on the judges of the Court of Queen's Bench? It had been admitted, that they must have an Act of Parliament to change the law, and everything concurred in pointing out to the House, that they ought to fix the term of the imprisonment. The sheriffs had brought the combatants face to face in the Court of Queen's Bench, and having done so, the House had run away. The House, he conceived, was now doing great injustice, for it was punishing one man for the offences of another.

The House divided:—Ayes 76; Noes 149: Majority 73.

List of the Ayes.

Archdall, M.
Attwood, M.
Bagge, W.
Barrington, Viscount
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Conolly, E.
Cooper, E. J.
Cresswell, C.
Darby, G.
Dowdeswell, W.
Duke, Sir J.
Dunbar, G.
Duncombe, T.
Duncombe, hon. A.
Duncombe, hon. W.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Follett, Sir W.
Freshfield, J. W.
Gladstone, W. E.
Greene, T.
Grimsditch, T.
Halford, H.
Hope, G. W.
Hotham, Lord
Ingham, R.
Irton, S.
Jackson, Sergeant
Kemble, H.
Kirk, P.
Knatchbull, right hon. Sir E.
Knightley, Sir C.
Knox, hon. T.
Law, hon. C. E.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mahon, Viscount
Miles, W.
Neeld, J.
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Perceval, Colonel
Perceval, hon. G. J.
Polhill, F.
Praed, W. T.
Pusey, P.
Richards, R.
Round, J.
Rushbrooke, Colonel
Shaw, right hon. F.

Sheppard, T.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G.
Stanley, E.
Sugden, rt. hon. Sir E.
Talfourd, Sergeant
Thompson, Alderman
Vere, Sir C. B.
Verner, Colonel
Wood, Sir M.
Wood, Colonel T.
Young, Sir W.

TELLERS.

Kelly, F.
Godson, R.

List of the Noes.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. C.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blennerhasset, A.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Clerk, Sir G.
Clive, E. B.
Corbally, M. E.
Courtenay, P.
Craig, W. G.
Curry, Sergeant
Dalmeney, Lord
Divett, E.
Duff, J.
Dundas, F.
Du Pre, G.
Elliot, hon. J. E.
Ellis, J.
Ellis, W.
Evans, W.
Ewart, W.
Fitzalan, Lord
Fleetwood, Sir P. H.
Fort, J.
Gillon, W. D.
Gordon, R.
Gore, O. J. R.
Graham, rt. hn. Sir J.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Handley, H.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, hon. C.
Howard, P. H.
Howard, Sir R.
Howick, Viscount
Hutton, R.
James, W.
Lambton, H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, rt. hn. T. B.
Macleod, R.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund, Visct.
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Noel, hon. C. G.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connor, Don
O'Ferrall, R. M.
Oswald, J.
Paget, Lord A.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Pinney, W.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Reid, Sir J. R.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sandon, Viscount
Scholefield, J.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornley, T.
Tollemache, F. J.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Westenra, hon. J. C.
White, A.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, B.
Wood, C.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Seuart, R.

Sir *E. B. Sugden* then moved a resolution, that the order directing the sheriffs to pay over 640*l.* levied by them, to Messrs. Hansard, be rescinded.

Motion negatived.

HOUSE OF LORDS,

Monday, February 17, 1840.

Minutes.] Bills. Read a first time:—Frivilous Suits Bill Amendment; Rated Inhabitants; Transfer of Aids.

Petitions presented. By the Marquess of Lansdowne, and the Earl of Radnor, from a number of places, for the Release of John Thorogood, and for the Abolition of Church Rates.—By the Duke of Sutherland, the Marquess of Bute, and the Earls of Errol, and Aberdeen, from a number of places in Scotland, against the Intrusion of Ministers into Parishes without the consent of the Parishioners.—By the Duke of Sutherland, from several places in Staffordshire, against Church Rates.

Taking of Khelat.] Lord *Ellenborough* said, there had been laid on the table certain despatches, which were printed on the 21st of January, relative to the War in Affghanistan, and the noble Viscount had moved a vote of thanks to the officers alluded to in those despatches. Since that vote had passed other despatches had been received from Major-general Willshire, containing an account of a most brilliant exploit—the capture of Khelat by storm. No doubt if those despatches had been received with the others, they also would have been laid on the table, and the noble Viscount would have included the officers in that vote of thanks. He would, therefore, suggest to the noble Viscount, whether he would not now lay on the table the further despatches, and also move the thanks of the House to Major-general Willshire and the officers under his command. He would also mention another part of the subject. When the war took place in Ava, the thanks of the

House were voted, not only to the General-in-chief, but also to the Brigadier-general by name; that precedent had not been followed upon this occasion, and he would suggest whether the precedent of the war in Ava should not be followed upon this occasion, and whether they should not bestow upon the General-in-chief, and the Brigadier-general, by name, as well as the officers, the highest possible honour that could be conferred upon them, the vote of that House.

Viscount *Melbourne* had no objection to lay the fresh despatches on the table, and to amend the vote so as to include the officers engaged in the capture of Khelat.

Socialism.] The Bishop of *Exeter* wished to ask the noble Viscount at the head of her Majesty's Government whether, in July last he had received a letter from the rev. Andrew Irvine, of St. Margaret's Leicester, to the effect which he should now beg leave to read. The right rev. Prelate then read the letter as follows:—

"St. Margaret's, Leicester, Feb. 11, 1840.

"My Lord,—In July last I took the liberty of informing Lord Melbourne that the Socialists were making efforts to extend themselves in Liecester, and had advertised for a larger school-room, not a little encouraged by the countenance of the Prime Minister, in introducing Mr. Owen to the Queen.

"As an instance of the evil effects of their proceedings, I stated to his Lordship, that a youth of fifteen years of age, a teacher in my Sunday School, was in a public office with another clerk, about nineteen years old, who was a lecturer in the Socialists' Institution, whither he took him more than once to hear some blasphemous addresses. He then gave him a paper containing many Scripture texts, chiefly denouncing God's judgments against the Canaanites, and added this injunction, 'Read these texts, and consider them carefully, and if, after that, you deny that God Almighty is a regular beast, you are a beast yourself, and have no understanding.'

"After making this statement, and expressing my regret at Mr. Owen's introduction to the Queen, I offered to communicate any other circumstances that might arise connected with the subject. His Lordship simply directed his secretary to acknowledge the receipt of my letter, and from that day to this there has been no further communication.

"The population of my parish exceeding 30,000 souls, there is large scope in it for the Socialists, who, I fear, are doing much mischief. They have Sunday meetings for lectures, &c., and dances, not of the most decent kind on the Sunday evenings. It is impossible, therefore, for me to feel indifferent about their proceedings.

I have the honour to be, my Lord,
Your obedient servant,
A. Irvine.'

"To the right rev. the Bishop of Exeter."

Now he the (Bishop of Exeter) should like to know from the noble Viscount whether he had received the letter?

Viscount *Melbourne:* I did receive the letter.

The Bishop of *Exeter:* Did the noble Viscount take any steps in consequence of that letter?

Viscount *Melbourne:* No.

The Bishop of *Exeter:* Did the noble Viscount consider that any steps were or were not necessary to be taken?

Viscount *Melbourne* said, this would lead to an argument on the whole subject, which he was very unwilling to enter into; but certainly, in his opinion, it was not necessary to answer the communication. Indeed, he very much questioned the prudence of the course which this House had adopted with respect to this question.

The Earl of *Aberdeen* asked, whether the noble Viscount objected to receiving this communication? The noble Marquess, the Secretary for the Home Department, had complained, that a clergyman, instead of imparting information to him, had given it to others.

Viscount *Melbourne* said, he did not object to this communication. On the contrary, he was obliged to the rev. Gentleman for his communication; but he had not answered it because he was desirous of avoiding a controversy on the subject. He was afraid, however, that the right rev. Prelate would frustrate his object.

The Bishop of *Exeter* would beg leave, in presenting a petition, to make some few observations on the remarks which had just fallen from the noble Viscount. The noble Viscount at the head of her Majesty's Government had assented, after a long debate, to an address which recognized the necessity of a full inquiry being gone into with respect to the evils of Socialism. The noble Viscount, however, declared to-night, that, in his opinion, the House acted unwisely in taking that step. He sincerely wished that the noble Viscount had had the manliness, on the night when that motion was made, to state that the course adopted was imprudent, if he thought so. Looking to the high station in which the noble Viscount was placed, and considering that he had agreed to that motion, he conceived that it was his duty to carry its object fully into effect. The noble Viscount ought, in his opinion, to have felt bound to use his utmost endeavours to render that resolution of their Lordships efficient. He thought that it was very wrong for a Minister of the Crown, on one night, to concur in such a motion, and afterwards to come down and say, that the House, in his opinion, had done a very foolish thing in adopting that proposition. He was astonished that the noble Viscount had not felt it to be his duty to take immediate steps on the receipt of that letter; because, let him remind the noble Viscount, that a great part of the case to which it related rested on the noble Viscount's own act, an act which he had himself admitted to be at least an indiscretion. It appeared, however, that that indiscretion was followed by evils of the worst kind—by encouragement of doctrines which could not be entertained by any of her Majesty's subjects without tending to the destruction of society. It was clear that the society was rapidly increasing in this particular neighbourhood, for it would appear by the following advertisement, which was inserted in the Leicester Journal, of July last, that they wished to establish a large school:—

> "Social Institution. — Wanted to rent a large house, in a central situation, with a warehouse or premises attached, suitable for a school."

What doctrines were to be taught in such a school? That might be inferred from the instance adduced by the rev. Gentleman whose letter he had read, who stated a case which came within his own notice, where one of those Socialist lecturers attempted to induce a young man to pursue a course of the most hideous blasphemy and profanation. If the noble Viscount had supposed that the rev. gentleman was deceived in his information, would it not have been natural and proper for him to inquire of the magistrates of the place whether these evils existed—whether they were spreading or not? If he had done so, he could assure the noble Viscount the magistrates would have answered that they did exist — that they were spreading,—that they had attracted the attention of the magistrates, and that the magistrates were eager that some course should be taken to check them and to put them down. The rev. gentleman, having been rejected by the noble Viscount—his communication having been disregarded, took another course. He applied to the office at which the lecturer of the Socialists, who had attempted to corrupt his Sunday-school teacher, was employed as a clerk, and the rev. gentleman stated the result of his application in a letter which he (the Bishop of Exeter) had received from him that day. The rev. Gentleman said,—

> "It will be satisfactory to your Lordship to learn that the clerk in the railroad office, who tried to corrupt my Sunday-school teacher, was, in consequence of my representations, immediately examined by the Board of Directors, and, as he avowed a resolute adherence to his principles, even declaring himself so utterly irresponsible for his conduct, that he should feel justified in robbing them, if he thought fit to do so, and that the law which would punish him was a bad law—he was dismissed from his situation."

However lightly the noble Viscount and the noble Marquess might consider these matters, it was, in his opinion, very important that they should be laid before the Government, and that the Government should take due notice of them. The noble Marquis, the Secretary for the Colonies, had, on a former occasion, stated that he thought the clergyman at that time alluded to had not acted properly in not giving information to him, and thus affording him an opportunity of discharging his duty, as he would have done if a proper representation had been made to him. He regretted that the noble Viscount did not appear to be actuated by the same feelings, for information was imparted to him, but he would not act on it. He did not doubt the sincerity of the noble Marquess in his determination to assert the law with effect; and, trusting that the noble Marquess would follow up the conduct he had promised, he would be content to present his petition, without further remarks, which was from Mile-end, praying the House to take steps for putting down Socialism.

The Marquess of *Normanby* had said, when the letter was read the other day, stating that an officer of the Government had been present at a place where he heard blasphemy, that it would have been better, that it would have been more natural, and more according to his duty, if the clergyman was aware of a servant of the

Government holding and countenancing such opinions, had at once communicated them to him, and not have given what he confessed was his imperfect recollection of the facts six months afterwards. He would not have risen even to make that remark, had it not been to read to the House an extract from a letter he had received from the mayor of Leicester, which would prevent the ill effects from an exaggeration of facts which he must say were highly coloured. He had received the letter from the mayor of Leicester that morning, and it stated, that the number enrolled in the society of the Socialists, and subscribing money to the funds, did not exceed fifty in the whole town; there were, in addition, some two hundred candidates for admission, who were placed for some three or four months in a state of probation. There was only one place of meeting in the town, and that was in a room thirty feet square. During the past year meetings had been frequently held, which were attended out of curiosity by many persons. These meetings had attracted the attention of the magistrates, who had called upon the superintendent of police to attend them; he had attended, and had reported that everything was so orderly, that they were not likely to interfere with the public peace. How far the real security of the public peace of the town had been sufficiently attended to, would appear from the facts, but the House had a right to know the numbers enrolled in the society, and that the attention of the magistrates had been called to the subject.

The Bishop of *Exeter* said, that from the information he had received, the number of members did not exceed 300 or 400, but there were hangers on, and "The population of my parish" said the clergyman, exceeding 30,000 souls, there is a large scope in it for the Socialists, who I fear are doing much mischief; they have Sunday meetings for lectures; and dances, not of the most decent kind, on Sunday evenings." There were many drinking copiously of the deleterious draught,—meaning these blasphemous lectures—every Sunday, and yet it was said, that there were no instructions given to the police beyond an order to check illegal outward acts. Whilst he had pointed out that, in the end, these doctrines must lead to breaches of the peace, and to the disruption of society, yet he had expressly said, that, as yet there had been no violation of the peace; but there must be violation of the law with which scarcely any outrage or any violence could deserve to be mentioned in the same breath; and if there were not illegal acts, there were violations of the law, for the law of England was not so worthless, that it was not able to punish such blasphemy. He hoped, therefore, that the noble Viscount would tell that worshipful functionary, the mayor of Leicester, that he was bound to enforce the law by which blasphemy and immoral conduct was to be put down. Although the numbers enrolled might be but a few hundreds, yet if they exerted themselves they might in a large town produce very great effects. He had been told, that out of the sect of Unitarians there were no more than 300 or 400 in Leicester, and that out of that number the corporation was principally formed. He was told also, "The Socialists are about the same in number as the Unitarians, who have supplied mayors to the corporation ever since the passing of the Municipal Act." He did not mention this fact to interfere in any manner with the Unitarians of Leicester, or to cast any imputations on the mayors, but to show that 300 or 400 acting together, and working hard, might produce great effects.

Petition laid on the table.

INLAND WAREHOUSING — AFRICAN AND SOUTH AMERICAN TRADE.] Viscount *Strangford* said, that when on a former evening he had asked the noble Viscount opposite, whether he had any objection to produce any communication from the Board of Trade or Treasury, or from any fiscal board, on the subject of the probable effect on the revenue of the proposed inland warehousing system, the noble Viscount answered, that such communications were unusual. Now, to show that they were not at all unusual, he held in his hand a communication of the 26th of August last, relative to certain sugars then in bond, in which the opinion of the Board of Customs was directly addressed to the Board of Trade. He would take that opportunity of giving notice, that on Monday next he should bring under the consideration of the House the disadvantages under which the British trade on the coast of Africa laboured at this moment. He had frequently called their

Lordships' attention to this subject, and its importance, he conceived, justified him in bringing it forward again. With respect to the state of our trade in South America, he begged leave to read an extract of a letter from Buenos Ayres, which, as it came from a most intelligent quarter, was well worthy of attention. The writer said,

> "There are 218 cargoes all ready for shipment to British ports, and the property of British subjects. They were all brought down for shipment in the natural belief that we had a Government at home that would succour and protect us, and put an end to this iniquitous blockade. These cargoes are daily perishing under our eyes, and will ultimately become worthless."

The writer then emphatically said, "I wish Lord Palmerston were here!" This was a state of things for which last Session the noble Viscount opposite gave hopes that some remedy would be provided, but for which this Session he told their Lordships, that there was no remedy at all; and, moreover, that it was a state of things with respect to which he saw no prospect of a speedy alteration. Now, he would say, that it was a principle of the law of England, that there was no wrong without its corresponding remedy; and such also, he contended, was the principle of the law of nations. If the noble Viscount would descend from that lofty sphere which he so proudly occupied, and would deign to communicate with such persons as merchants and traders, and ask them what they thought of the protection afforded to their interests, and the general interests of the country, by the present Government, he would hear one universal cry of censure and condemnation—he would find one wide-spread, general, unalloyed opinion, that at no former period were the vital interests of the country so frequently and so shamefully assailed. Why was this? It was because the Administration of which the noble Viscount was the head, was not respected abroad. And why was it not respected abroad? Because it was not feared. And why was it not feared? The answer to that query was to be found in the statements relative to our naval force which were recently made by a noble Lord, and also in the extraordinary estimate of what "constitutes," or rather, he would say, of what "does not constitute," the character of naval and military men, as it was explained by the noble Viscount on the occasion to which he had alluded.

Costs and Damages for Libel.] Lord *Denman* laid on the table a bill, the object of which was to provide, that in all actions of libel or slander, where damages under 40*s.* were awarded, such damages should not carry costs beyond the amount of the verdict. The noble and learned Lord observed, that this was a regulation of considerable importance, inasmuch as actions for small libels were constantly occurring, which were only introduced for the sake of the costs.

Bill read a first time.

HOUSE OF COMMONS,

Monday, February 17, 1840.

Minutes.] Petitions presented. By Sir E. Wilmot, Lord Sandon, Lord Ashley, Lord G. Somerset, General Lygon, Messrs. Broadwood, and Barneby, from a number of places, for Church Extension.—By Mr. B. Wood, from places in Yorkshire, and Mr. M. Philips, from Manchester, for the Abolition of Church Rates, and the Release of John Thorogood.—By Messrs. Grote, Hume, and F. Kelly, from several places, for a Free Pardon to Frost, Williams, and Jones.—By the Lord Advocate, Mr. F. Maule, and Mr. Wallace, from a number of places in Scotland, against the Intrusion of Ministers into Parishes without the consent of the Inhabitants.—By Mr. Corbally, from a number of places, for Corporate Reform, and an Extension of the Franchise in Ireland.—By Sir M. Wood, from Newcastle-under-Line, Mr. F. Kelly, from Chelsea, and Sergeant Jackson, from several places, for the Immediate Release of the Sheriffs.—By Sir G. Strickland, and Mr. Hume, from several places, for the Immediate and Total Repeal of the Corn-laws.—By Lord Ashley, from one place, against any further Grant to Maynooth College.—By Messrs. Ellis, and Shaw, from Newry, and Dublin, against the Importation of Flour into Ireland.—By Mr. Litton, from Dublin, against Corporate Reform in Ireland.

Post-office Accounts.] Mr. *Wallace* referring to his notice of motion upon the paper for the evening, for "copies or extracts of all the information that had been furnished by the authorities of the Post-office to the right hon. Member for Harwich, &c., with the particulars of such verbal communications (if any) respecting an anticipated or probable deficiency in the Post-office revenue, as alluded to by the right hon. Member for Harwich, in the debate on the financial state of the country, on Thursday, the 13th inst.," said, that he found that his notice was not strictly regular, as it had referred to what had taken place in a former debate, and as it was always his wish to avoid any irregularity where the forms of the House were concerned, he begged to withdraw his motion for the present.

Mr. *Herries* said, that in consequence of the step now taken by the hon. Gentleman in withdrawing the notice which he had given, on the ground of irregularity, he should take it as a great favour if the House would allow him to say a very few words. Every Gentleman who had read the notice which appeared on the paper for that day would form his own judgment on the propriety of that notice; upon so much of it as related to himself he should offer no observations, but there were others concerned in the notice which appeared on the votes of the House of Commons, in behalf of whom he begged permission of the House to say a very few words. He meant, when he used these terms, to refer to the officers of the Post-office, who were designated in the notice of the hon. Gentleman as the "authorities of the Post-office," and with respect to whom it was proposed, that the names of such persons should be laid on the Table of the House for furnishing information to him. Now, as all those gentlemen had characters to uphold, it would be of great importance—

Mr. *Wallace.*—Sir, I rise to order, the right hon. Gentleman is guilty of an irregularity in persisting to address the House,

Mr. *Herries:* I am speaking upon the question of order. It is within the rules and orders of the House that any Gentleman may ask leave of the House to address it, and it is within the power of the House, if it be their pleasure, to hear him. If it be not the pleasure of the House to hear me, I shall not persist in the observations which I was about to make, but if it be their pleasure, I shall proceed. The right hon. Gentleman then went on to say, that it was on the behalf of those gentlemen to whom he had referred, and on whom a reflection had been cast by implication, that he asked permission of the House to say a few words, and they should be very few. What he had to say was simply this—that with any of those persons, from Lord Lichfield and Colonel Maberly, from the very highest to the very lowest, he had held no communication, direct or indirect whatsoever. He declared, on his honour as a gentleman, that he had not received from any one of those persons any sort of communication or intimation of what was going on within the Post-office. This was the statement which he had to make, and the object of his statement was to discharge what he believed to be upright, honourable, and faithful public servants from any possible stigma that might attach to them from the hon. Member's motion, and that they might not be exposed to any suspicion of want of probity in the discharge of their public duty, or of fidelity to their superiors—a suspicion which must be injurious not to them only, but to the public service, as it could not but sow distrust between them and their superiors in office.

Mr. *Wallace* said, he was exceedingly gratified by the statement of the right hon. Gentleman opposite. The right hon. Member was reported to have said the other evening, and he believed did say—

The *Speaker* rose to order, and said, he thought it his duty to interfere on this occasion, because, he was sure that if the hon. Gentleman went on, he would transgress one of the rules of the House. He should say, that when he had received notice of the hon. Gentleman's motion, he had intimated to him that it was irregular, and that he should withdraw it. He felt that if he now persevered in the observations he was making he would be acting out of order.

Mr. *Wallace* would then only say, that having heard the statement of the right hon. Member, he begged to assure him and the House that he gave most entire credit to his statement, and that, not wishing to convey any impression whatever that would be disagreeable to him or the officers of the Post-office, he would withdraw his motion altogether.

Notice withdrawn.

PRIVILEGE — STOCKDALE *v.* HANSARD.] Lord *John Russell* had another petition to present to the House from Messrs. Hansard, which he moved should be read by the clerk.

Petition read, and laid on the Table. It stated, that a further proceeding, being a fifth action, had been brought against the petitioners in the Court of Queen's Bench by John Joseph Stockdale for the publication of certain papers, in obedience to the orders of that House; and that they had been served with a writ of summons for Thursday, the 20th February next. The petitioner concluded thus:—

"That your petitioners find, on examining the foregoing declaration with the declaration in the former action against your petitioners, in which the damages were assessed at 600*l*., that the cause of action is identical—namely, for the publication of a libel of and concerning the plaintiff, contained in the Reports of the Inspectors of Prisons of Great Britain; and, also, in a letter addressed by the said Inspectors to Lord John Russell. That the said Reports and letter were printed by your petitioners by direction of your honourable House. Your petitioners, therefore, humbly pray the instructions of your honourable House in the matter of this their petition, and on the course they should pursue with respect to the said notice and writ of inquiry."

Sir *E. Sugden* asked the noble Lord if it were true, that Mr. Howard the attorney of Stockdale, had brought an action against the son of the Sergeant-at-Arms?

Lord *John Russell* had received no official information on the subject. If the fact was so, it would no doubt be stated in a petition to that House. His Lordship then moved the order of the day for the consideration of the petition of the Messrs. Hansard. The noble Lord said that the motion he was now about to make was in consequence of the resolution the House had already come to in reference to the present action, directing the Messrs. Hansard not to appear in the court of law, to plead to that action. In order to prevent judgment being signed against the Messrs. Hansard, it now became necessary for the House to say what other course they would think proper to take in order to maintain that privilege of publication which they had already so frequently supported. This being the only question involved in the present position of the question, it was unnecessary for him, on the present occasion, to enter into any consideration either of the power of the House to publish, or the propriety of their officers appearing in a court of law to plead to an action of this kind. The only question to be considered now was, what course the House would take to vindicate those privileges they had so often asserted, and to prevent the consequences that must otherwise result from that action—the recovery by Stockdale from Messrs Hansard of any sum of money as damages for a publication made under the authority of that House. It appeared to him that the most proper course to follow in the present case was to resolve that the action was a contempt of the House and a breach of its privileges; and that any person who should act in pursuance of the said action would incur the displeasure of the House. He proposed to move that resolution with special reference to the officers who would have to act in prosecution of the judgment in the case—namely, the sheriffs of London and Middlesex, the under-sheriffs' officers, bailiffs, clerks, and others. He would first move that those parties would be guilty of a breach of the privileges of the House, by aiding in the said action, and then that care should be taken to inform the sheriffs, under-sheriffs, and others of that resolution. In the first case the information given to the sheriffs did not come directly from the House, It had been given by a servant of the House; but it had not come directly from a resolution of the House on that particular occasion. In the present case they had an opportunity of giving a more formal notice to the sheriffs. He, therefore, thought that the proper course would be to give the sheriffs the advantage of that information, and that they should be clearly told what would be the consequences of any course taken by them in violation of the privileges of the House. He thought it necessary to do nothing more than to propose that course as if they were determined on maintaining the privilege of publication, because having resolved with respect to this action that they would not endeavour to maintain the privilege in question by pleading before the Court of Queen's Bench, it was necessary for them to interfere in order to prevent the consequences which might follow from the action against the Messrs. Hansard. He would therefore move,

"That John Joseph Stockdale, by commencing this action, in which notice had been given to the defendant to attend a writ of inquiry on the 20th February, such action being brought for acts done by a servant of that House, pursuant to the orders and resolutions of that House, made in the exercise of the privileges of Parliament, had been gnilty of a contempt of the House and of a breach of its privileges; and that the sheriffs, under-sheriffs, and others who should aid in the prosecution of the said action, would be guilty of a contempt of the House, and of a violation of its privileges, and subject themselves to the severe censure and displeasure of the House."

If that resolution were carried, he would then move that a copy of the said resolution be served by the Sergeant-at-Arms on the sheriffs, and that copies of the same be served on the under-sheriffs, bailiffs, clerks, and others.

The first resolution having been put,

Sir *E. Sugden* said, he should be quite as short as the noble Lord had been upon this subject, especially after the many discussions it had already undergone. He wished only for a moment to draw the attention of the House to the consequences that might arise from this further step which they were now about to take at the suggestion of the noble Lord. The resolution now proposed would, if carried, include judges and counsel. Why, it included and named "sheriffs, under-sheriffs, agents, bailiffs, officers, clerks, and others." Amongst them, then, must be included judges, for the under-sheriff sat as a judge; therefore the resolution went to effect both the under-sheriff and the counsel who pleaded before him. The House had already had difficulties enough to contend with; and it had abstained hitherto from meddling with the judges and counsel concerned in all the measures that had taken place in connexion with this business up to the present time. The House had not as yet had courage to bring any Member of the bar before it, because they knew that it would be utterly impossible to do that without grappling with the Lord Chief Justice of England. The counsel who had pleaded in the former actions they had not called to their bar; but if they passed this resolution, they would be bound by it to punish the under-sheriff, who might sit as judge and direct the jury, and also the counsel who should plead before him. He had hoped that the majority of the House were prepared to take a different course from that which they had been pursuing. True, the decision which had been come to was the decision of the majority, but it did not follow that it was a correct decision. It was the voice of the majority; but the voice of a majority was not always the voice of reason. There had been a triumphant majority in support of the opinions which he did not hold on this question, but that majority had assumed a tone of feeling very different from that displayed by the minority. The minority was respectable in numbers, and certainly they were so in point of talent and competency to deal with this question, and they had maintained their opinion with moderation as well as firmness. But he had to complain that upon this occasion all the courtesies of the House had been forgotten. He asked the noble Lord whether he could defend the course he took on Friday night? The noble Lord then refused to state his intentions, though repeatedly requested to do so, not that he was unprepared, but because some cavil might be made against the course he intended to pursue. The noble Lord had said, that the majority had acted with great forbearance, and with a great desire to conciliate the minority. One thing, however, was true: it had been the anxious wish of many hon. Gentlemen in the minority, to conduct their opposition without any ill-feeling. He called upon the House to pause before they took this further step, the effect of which would be to involve them in greater difficulties, by bringing them into collision with the bench and the bar, which would end in their certain defeat, unless they addressed themselves to some other power beyond that upon which they were now depending. He did, therefore, enter his protest against the resolution, and should certainly divide the House upon it, notwithstanding all that the noble Lord had said in its favour.

Sir *C. Grey* said, he had witnessed from the first with great anxiety the conduct pursued by the members of the legal profession on the other side of the House, who acknowledged that they thought the House possessed the privilege of publishing their proceedings, but thwarted the only method by which they could be vindicated. That anxiety had been deepened into pain when he saw the hon. Member for Exeter, and the right hon. Member for Ripon, who were Members of the committee from which the resolutions had proceeded. [Sir *E. Sugden*: I beg the hon. Member's pardon, I was not a Member of that committee.] The mistake was of little importance. The right hon. and learned Gentleman, then, without being a Member of that committee, who stood so high in his profession, and had filled offices of great importance, and whose opinions were so much esteemed, was acquainted with the resolutions which had emanated from that committee, and was in Parliament when they were adopted by the House; yet he now opposed all the measures which were proposed for the vindication of the privileges which those resolutions went to uphold. The course pursued by the minority on this question, in the face of the past proceedings of the House, was calculated to involve the House in difficulty, and to aggravate the whole of the mischiefs which he was sure at the same time it was their wish to prevent. It had been contended by one hon. and learned Gentleman in the minority, that they might publish for the information of their constituents, that was to say the people of this country; and if the people of this country were to have the advantage of their publication, why might they not at once publish to all the world? He must say that he thought he detected a great deal of inconsistency in the conduct of hon. and learned Gentlemen opposite. He asked those hon. Members, who admitted that they had the privilege of publishing, how it could be maintained if they submitted it to the courts of law and they decided against them? He might have had no objection to taking his chance of a decision in the Exchequer Chamber, or in the House of Lords, to reverse the decision of the Queen's Bench, provided they could be considered as not precluded from taking any further steps in vindication of the privileges, should such a decision be adverse to them. In so submitting the matter to the judges, it would have been necessary, therefore, to reserve to themselves a power of maintaining their privileges by subsequent proceedings, should the decision of those tribunals be adverse. If they were convinced that they possessed the privilege, they would be guilty of the greatest dereliction of duty, if they took no precautionary step to enable them still to maintain it. Supposing that the House did go to the Exchequer Chamber, or the House of Lords, and their decision should be against the House, what would the minority then do? That was a question which they ought to answer, especially after the steps which had been taken. They ought not to go on blindly, without knowing whether they would support the House or not, should the decision of those tribunals be against them in resisting their decision. If not, what would they do? Did they mean that the House must abandon its privileges? Were they ultimately and finally to suffer any tribunal, whether it was the Exchequer Chamber, the House of Lords, or Westminster Hall, to decide against and take away a privilege which they said they possessed, and which they thought invaluable and necessary to the proper discharge of their duty? He was sure that if any attempt were made to draw that House—he would not say in its corporate capacity, for it had none, but in its capacity as the aggregate House of Commons—before any tribunal at Westminster, the hon. and learned Gentlemen in the minority would repudiate such a proceeding; yet taking the officers of the House before a court, was the same in effect. He besought them before they went further, to consider how much they lowered the dignity and authority of that House, threw their proceedings into doubt, and added to the mischief that already existed.

The House divided:—Ayes 146; Noes 75: Majority 71.

List of the AYES.

Aglionby, Major
Baines, E.
Baring, rt. hon. F. T.
Beamish, F. B.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blackburne, I.
Blake, M. J.
Bodkin, J. J.
Bolling, W.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Broadwood, H.
Brodie, W. B.
Brotherton, J.
Buller, C.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Corbally, M. E.
Courtenay, P.
Craig, W. G.
Curry, Sergeant
Divett, E.
Douglas, Sir C. E.
Duff, J.
Dundas, F.
Dundas, Sir R.
Elliot, hon. J. E.
Ellis, J.
Evans, Sir De L.
Ewart, W.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fremantle, Sir T.
Gaskell, J. M.
Goddard, A.
Gordon, R.
Goulburn, rt. hon. H
Graham, rt. hn. Sir J.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Harcourt, G. G.
Hardinge, Sir H.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Hector, C. J.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L
Hollond, R.
Hope, hon. C.
Hoskins, K.
Houldsworth, T.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, J.
Hutton, R.
Irving, J.
James, W.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Loch, J.
Lockhart, A. M.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Macleod, R.
Miles, W.
Milnes, R. M.
Morris, D.
Muntz, G. F.
Nagle, Sir R.
Noel, hon. C. G.
O'Brien, W. S.

O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, F.
Parker, J.
Pattison, J.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, Sir R.
Pigot, D. R.
Pinney, W.
Ponsonby, hon. J.
Protheroe, E.
Pryme, G.
Rae, rt. hon. Sir W.
Redington, T. N.
Reid, Sir J. R.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Smith, B.
Stanley, Lord
Stansfield, W. R. C.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornley, T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, Sir R. H.
Waddington, H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Westenra, H. R.
White, A.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wood, B.
Wynn, hon. C. W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the Noes.

A'Court, Captain
Attwood, M.
Bagge, W.
Baring, H. B.
Barrington, Lord
Blackstone, W.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Cole, Lord
Cresswell, C.
Darby, G.
Dick, Q.
D'Israeli, B.
Dowdeswell, W.
Duncombe, T.
Duncombe, W.
Duncombe, A.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Filmer, Sir E.
Follett, Sir W.
Forester, hon. G.
Gladstone, W. E.
Glynne, Sir S. R.
Goring, H. D.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Herries, J. C.
Hodgson, F.
Hogg, J. W.
Holmes, hon. W.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Ingestre, Lord
Ingham, R.
Jackson, Sergeant
James, Sir W.
Jones, J.
Kemble, H.
Knatchbull, Sir E.
Knight, H. G.
Litton, E.
Lowther, J. H.
Lygon, General
Mackenzie, T.
Mahon, Viscount
Neeld, Joseph
Neeld, John
Packe, C. W.
Perceval, hon. G.
Pigot, R.
Plumptree, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Richards, R.
Rolleston, L.
Rushbrooke, Colonel
Rushout, G.
Scarlett, hon. J.
Shaw, F.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Style, Sir C.
Sugden, Sir E.
Thompson, Alderman
Wodehouse, E.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.

TELLERS.

Law, hon. C.
Godson, R.

On the next resolution, that copies of the former resolutions be communicated to the sheriffs and under sheriffs of Middlesex, the clerks, officers, bailiffs, and other parties taking part in the proceedings,

Sir *E. Sugden* wished to know whether it was intended under the term "other parties," to include the jury?

Lord *John Russell:* No.

Viscount *Howick* wished to remark, that although he entirely approved of the course hitherto pursued, he thought that the House should not stop here. Howard and Stockdale had been committed for an aggravated breach of the privileges of that House; and, after continued caution, persisted in acting in contempt of their privileges. He thought that these parties ought not to be allowed to go on with their repetitions of the breaches of privilege without visiting them with extraordinary punishment, and with more severity than hitherto, both as regarded the conduct of Stockdale and Howard. The House had already committed them for instituting an action against one of its servants for acts done by its orders; and as they seemed determined to persevere in their actions in contempt of its undoubted privileges, that they should be punished with increased severity, in order to show that it was not to be trifled with, and that it would not suffer parties to persist in pursuing a course which was almost calculated to bring its authority into contempt.

Sir *E. Knatchbull* wished to know what the noble Lord meant by extraordinary punishment.

An *Hon. Member*—Oh, to hang them.

Viscount *Howick* replied, that these persons were now in ordinary confinement; what he meant was, that they should be placed in close custody, and that they should not allow access to them unless under restrictions.

Mr. *Law* had thought, when he heard the observations of the noble Viscount, that he was anxious to revive the *peine forte et dure* against them. They were no longer in the custody of the Sergeant-at-arms, but had been sent by the House to the gaol of Newgate. The House had passed the custody of these persons over to those who had the control of that prison. The noble Lord's appetite for punishment in this case apparently made him anxious that it should be unbounded. The noble Lord stated, that he thought that the House should visit these persons with extraordinary punishment, and with increased severity; but surely it did not become the disposition of that House to be actuated by the angry disposition that might have possessed an individual. Whatever course was pursued by the House, he trusted that it would act with the calmness becoming its dignity, instead of manifesting the angry passions of an individual, and that it would not allow those persons to be placed in a state of custody without that access to them which was allowed to a felon. If the House was disposed to stamp its proceedings with excessive harshness—if it at once wished to convince the public that their proceedings were not instituted for the protection of the ends of justice, or for the vindication of the privileges of that House, but for the purpose of exercising a tyrannical power, they could not pursue a better course than that recommended by the noble Lord.

Mr. *O'Connell* observed, that as he understood the noble Lord, he did not propose to inflict any such harsh punishment on these persons as had been supposed by the hon. and learned Member, but that such access should not be afforded to them as would tend to facilitate the bringing such actions as the present. He would not, however, say whether the suggestion of the noble Lord should be adopted or not, but he felt satisfied that the privileges of that House could be effectually vindicated by their proceeding with that calmness and discretion which was necessary. Was the House aware, that this was the fifth action which had been brought by Mr. Stockdale against the servant of that House? And was it not its duty to interfere, and take care that these parties should not be allowed to proceed with actions involving continued breaches of the privileges of that House? He thought that the House could restrain the attorney from acting for Stockdale, and prevent other persons from carrying on actions in Mr. Howard's name. At present that person could employ his clerks and apprentices to act for him in these actions; and if they established the principle that Howard should not act himself in these actions by imprisoning him for so doing, they should follow this up, and not allow any person to go on with them in his name. The name of the person who seemed at present principally employed in these actions was Pierce, who, he understood, was clerk to Mr. Howard, and a stop should be put to his proceedings. He regretted the necessity of acting against those who were obviously actuated by a mistaken sense of public duty, but, with respect to Stockdale and his attorney, he entertained no such feeling, and, above all, in regard to the latter, who had no public duty to perform, and without whose aid the privileges of the House would not be violated in this way. He rose to observe, with respect to the suggestion of the noble Lord, that it was obvious that he did not wish that they should proceed vindictively against those persons, but that they should adopt such restrictions as would render it more difficult for those parties to continue to violate the privileges of the House.

Sir *E. Sugden* had asked the noble Lord whether he intended to include the jurors within the words "other parties," and he understood the noble Lord to answer in the negative; but the expression was so vague and general, that it might be made to include the jury as well as any other persons. He thought that the noble Lord, from what had taken place that night, would see the inconvenience that resulted from his refusing to communicate to the opposite side the slightest information as to the course that he intended to pursue. He repeated that such comprehensive terms as "other parties" might be taken to include the jury that would be called upon to assess the damages in this case, for no Member of that side of the House had had the means of informing his judgment on the subject until within the last few minutes, as the noble Lord, on Friday, refused to communicate the course he intended to take. Under these circumstances he should feel it to be his duty to oppose this resolution, the terms of which he maintained could not be understood. He begged to congratulate the noble Lord, the Member for Northumberland, on his suggestion, and he should be glad to hear from him how, if it were adopted, he intended that it should be followed up. He could tell the noble Lord, the more they persisted in their present proceedings, and the more rapidly they followed out the course which they had recently pursued, the sooner they would perceive the almost innumerable inconveniences which must infallibly follow them. The learned Member for Dublin had also recommended that they should pursue a course which would tend to restrain parties from bringing these actions. When he heard such recommendations, he could hardly imagine what proceedings it was intended to recommend to the House to adopt. There had been instances of the tyrannical exercise of power by Parliament before now, and it was a matter of history that in the reign of Charles 1st, a House of Commons was found, which ordered the torture to be administered in support of its privileges. The noble Lord might say, that he did not intend to recommend the infliction of torture, but he recommended solitary imprisonment, which was rather unusual; and when they engaged in a contest of this kind, they might be driven further than they intended, and he had mentioned that even torture was not without a precedent. He would beg the House to consider what they might be led to by pursuing the course they had embarked in, and neglecting the voice of reason. The noble Lord would not believe, that the great body of the people were against him in his proceedings in this matter; but, with the exception of the miserable petition from the corporation of Leicester, which was regarded as a godsend by Gentlemen opposite, and which was so loudly cheered by them, there had not been the slightest indication of public opinion in favour of it.

Mr. *Ingham* thought that the House should act with extreme caution in the proceedings which they adopted, lest they should find themselves involved in a contest with the legal authorities of the land before they were aware of it. With respect to the suggestion of the noble Lord for placing these persons in solitary confinement, or for increasing the severity of their imprisonment, he would beg to remind him that the regulations of gaols were framed in conformity with an act of Parliament, and, therefore, they were not directly under the control of the House, and could not be altered by it. When a party, therefore, was sent to a prison, under a warrant of the House, he was not dealt with according to the good pleasure and wishes of those who sent him there, but according to the rules for the government of gaols laid down by the law of the land.

Lord *John Russell* said, that the right hon. Member for Ripon had censured him, and the majority of the House, for not listening to the voice of reason. He did not for a moment doubt the sincerity of the right hon. Gentleman, but the right hon. Gentleman must excuse him for not attaching the same authority as the right hon. Gentleman did to his own opinion on this subject. When he found so many high legal and high political authorities adopt an opinion directly opposed to that of the right hon. Gentleman, and concur in the view that he took of this subject, he was induced to think that he listened to the voice of reason, and that both the reason and authority in the opposite opinion outweighed even the authority of the right hon. Gentleman. As for the want of courtesy with which he had been charged, he could not help observing, that when he recollected the attacks made on the majority, and when he thought that Gentlemen opposite were greatly disposed to impute tyrannical motives to those who wished to preserve the privileges of the House, the charge came with a bad grace from Gentlemen opposite. As for the observation which fell from his noble Friend, he could not help saying that a not very fair construction had been put upon it, but that an attempt had been made to attach a meaning to his noble Friend's words which they would not bear. He was of opinion that the proposal of the hon. and learned Member for Dublin, that the servants or clerks of Mr. Howard, or any person employed by him to contravene the orders of the House, should be rendered liable to the displeasure of the House—would be a better mode of proceeding than that of increasing the severity of the custody of the persons already imprisoned. As so much had been said on this occasion, he thought it necessary to recal to the House what was the main object of the present proceedings. The main object was to maintain the power of publication for useful purposes. The object they had in view, and which had been contested, was that of ordering information which was useful for Parliament and for the public to be published; not for any private purpose, not to serve any private malignity, not to gratify any bookseller or individual with gain, but to make public information which was necessary for the public, which was required to improve legislation, which was required to improve Government. This was contested; but he had an authority to quote—the authority of a person who had been often quoted against him, and which authority he found set forth in a newspaper that morning. In summing up in the case of "Beresford v. Easthope and Black," Lord Denman had delivered an opinion which was well worth the attention of the House. The noble and learned Lord had said—

> "Then the only question remaining was that of damages. On that subject there was no question made at the bar, and there could not now be in any place whatever, that it was desirable that free discussion should be encouraged, and that facts in which all were interested should be fully made known to the world; but at the same time no party must attack the character of another by reports which could not be substantially proved to be true, unless such reports appeared under particular circumstances. For instance, the publication of the proceedings of this day would probably be held in all the courts to be protected, if the report was fairly given as a report of a judicial proceeding, with which it was of importance that all men should be acquainted. But nobody must insert statements of his own in newspapers without being prepared to establish their truth."

Now this was what he and the majority of that House contended for, and this, according to the newspapers, was stated by Lord Denman in the course of a case which was tried no longer ago than Saturday last. What that majority complained of in the course of these proceedings was, that the court of law took it for granted, as that majority thought most unfoundedly, that the House of Commons was engaged in publishing a series of libels for the sake of libelling, the House of Commons, having, all the time, no interest but to make public that which it was for the public interest to know; having no private enmity against any individual; having no wish to make gain or profit by the sale of the publication; and under these circumstances it was, that the majority of that House held that a court of law was not entitled to look upon such publications as other than privileged publications. Suppose the House of Commons were to assert that a judge had no right, in a court of law, to make any statement reflecting on the character of an individual; that it was not to be permitted that in a public court, full of spectators, anything which could be deemed a slander, should issue from a judge on the bench. Such an assertion as this would be equally unfair and absurd. It was well known that the judges, after hearing what had been adduced before them, repeatedly in their charges made statements reflecting on the character of individuals; but this was done in the course of their judicial duty, and from no private desire to injure the individuals, or to indulge private malignity. If, then, the judges were admitted by the House of Commons to be right in what they did in this, some respect ought to be paid by the judges to that high court, which was constituted by the united Commons of the empire: and they ought not to have taken it for granted, they ought not wantonly to have believed, that it could be the object of the House of Commons to publish private libels upon any individual. He said this because the right hon. Gentleman opposite had again raised so much of the question, and it did appear that what Lord Denman had said on Saturday was very applicable to the case. But there was another remark of the right hon Gentleman opposite, followed by the right hon. Gentleman near him, which called for observation. They talked of the enormities which they said had been committed in former times, the lengths to which former Parliaments had gone, the tyrannies which had been exercised against the subject by former Parliaments. He could not hear such language made use of, with regard to our ancestors, without declaring his opinion in favour of those Members generally, as to the course which they had pursued on the occasions referred to, for the contest which they sustained was in reality whether liberty of speech should be permitted. The utmost extremities had been put in force against them. Members of the House were committed to prison by James 1st. His successor came down to the House in person for the purpose of putting down freedom of speech; and in the days of Charles 2nd, the attempt was renewed on the part of the Crown to put down liberty of speech and liberty of action in the Members of that House; it was an attempt to establish a despotism in this country, and the Speaker (Mr. Williams), and those men who acted in that House against such attempts, deserved well of posterity for the noble stand they made. They might, in certain and particular instances, have gone to an extreme point in executing their authority against individuals, but the contest they maintained was a contest of liberty against slavery, and he would never admit, that the conduct of these men deserved to be stigmatised by Members of that House, as though the House was ashamed of the men who had established for the House the privilege of speaking its mind. He had thought it necessary to say thus much, because, though living in different times from those in which those men lived, though he did not apprehend any such danger from the Crown now as that threatened by the monarch he had mentioned, yet he felt that, if attempts were made in that House to depreciate the authority of the House, if Members were allowed without check, to cast a slur upon those men who had so gallantly contended for the liberties of the House in former times, and to hold cheap the authority of the House in times present, though it was impossible to say what authority might not be set up in its place —it was a question whether it might not be replaced by some supreme and arbitrary tribunal, or some oligarchy, odious and oppressive to the people; but this was certain, that such a course would in the end destroy all the value and dignity of the House of Commons, and, with these, the best security for the people.

Lord *Eliot* said, he should be the last man in that House to call in question the great national services performed by the House of Commons at the periods to which the noble Lord who last spoke had referred. He reverenced the memory of an ancestor of his own who had been concerned in those proceedings, and he trusted that he estimated them too justly not to acknowledge the benefits which they had conferred upon the cause of public liberty. But it should be recollected that in those times the judges were the mere creatures of the Crown, dependent upon the will of the sovereign, and subservient to his purposes. There did not appear to be at present the least disposition to invade the privileges of the House for any such purposes as formerly influenced their opponents. He thought that in the present times there was more danger from the usurpations of majorities of that House than from any thing which could possibly proceed from the judges.

Mr. *M. Attwood* thought, that the intentions with which the present motion was brought forward ought to be clearly stated. He fully believed that the whole proceeding would prove ineffectual.

Motion agreed to.

Mr. James Hansard called to the bar.

The *Attorney-General* said—Have you been served with the notes of inquiry in the fourth action?

Mr. Hansard—I have.

The *Attorney-General*—When?

Mr. Hansard—On Wednesday, the 12th of this month.

The *Attorney-General*—By whom?

Mr. Hansard—By a person whose name I have understood is Pearce, and who is stated to be a clerk of Mr. Howard.

The *Attorney-General*—Have you been served with a writ in the fifth action? and when, and where, and by whom?

Mr. Hansard—I have been served with a writ in the fifth action. It was served on me in our counting-house in the course of last week, by, I believe, the son of Mr. Howard. It was the same person who served me with the writ in the fourth action. He said he was the son of Mr. Howard.

Mr. *Law*—Do you continue to sell the publication which has been complained of as libellous?

Mr. Hansard—I have some copies of it, but it is considered to be out of print.

Mr. *Law*—Is it, in point of fact, out of print, or what do you wish the House to understand by saying that it is out of print? Have you been advised by any one to discontinue the sale?

Mr. Hansard—I have not been so advised. We have no copies now for sale—none besides the reserved copies.

Mr. *Law*—Is it always the practice to keep any number of reserved copies.

Mr. Hansard—It is the invariable practice. I had no other reason for discontinuing the sale other than the necessity of keeping reserved copies.

Mr. *Hume*—Is it not always the practice, when the number of copies on hand are reduced to 50, to stop the sale, and reserve those to be issued only to special orders?

Mr. Hansard—That is the practice, and it was in conformity with that that I said they were considered to be out of print.

Mr. Hansard having withdrawn from the bar,

The *Attorney-General* moved, that

Messrs. Pearce and Howard, clerks to Mr. Stockdale's attorney, do attend at the bar to-morrow.

Mr. *Law* hoped that his hon. and learned Friend would not press this motion. The House had now quite as many as they could deal with.

The *Attorney-General* said, if they were not to commit the clerks, by what right could they hold the employers of those clerks in custody? They had no spite to Mr. Howard—they merely wanted to prevent fresh actions. It would be in vain to confine him if they let the clerks go at large. How otherwise could they repress proceedings? Those who thus infringed the privileges of the House of Commons were represented as heroes and martyrs. He was but following up the resolution which the House had just adopted, and he had no doubt that the proceedings would be attended with better success than the hon. and learned Recorder anticipated.

Mr. *Shaw* would ask the learned Attorney-general whether he really believed that the course proposed would be effectual? Suppose he took every clerk of Mr. Howard, every member of his establishment, every servant of his house, did he not think there were hundreds of other attornies ready to do the duty which they were called upon by their clients to perform, and who would, therefore, take up these actions?

The *Attorney-General* said, that he might, perhaps, be allowed to ask the right hon. and learned Gentleman whether he believed that the House had any privileges or any means of vindicating them?

Mr. *Shaw* said he could easily answer that question. He had before stated that it was desirable to maintain their privileges by all proper means, but not to carry their privileges beyond their proper limits. He thought they should take the opinion of a court of error on the subject, and, if necessary, procure an Act of Parliament to be passed, which he thought there would be no difficulty in obtaining, either declaratory or enactive of their privileges.

Sir *E. Sugden* suggested that the right hon. and learned Member for the University of Cambridge should not divide the House on this occasion, but should wait until the matter again came before the House.

Viscount *Howick* said, he should not object to the course which had been proposed by his noble Friend; but as there was a new question now before the House, he begged leave to inform the right hon. and learned Member for Ripon, and the right hon. and learned Member for the University of Dublin, that though they had been pleased to comment on the suggestions which he had thrown out on a previous occasion in terms of extreme severity, and to treat those suggestions as altogether unreasonable and monstrous, he was by no means inclined to accede to their judgment of that opinion, or to retract a single observation that he had advanced. He believed, that without proceeding vindictively, but soberly and calmly in the support of the privileges of that House, they ought to increase the severity of the punishment of Howard and Stockdale. Let the House remember what were the facts of this case. After full notice that they were acting in contempt of this House, and even while they were under punishment for that contempt, they still defied the House by bringing a fifth action against Messrs. Hansard. If they were to punish persons at all for a breach of their privileges, and trusted to the powers which their predecessors had left them, it was reasonable, when persons were under confinement and aggravated the contempt for which they had been committed, and proceeded openly to defy the House, that the House should also aggravate the severity of their punishment. That was the course pursued by the House in former times, and if former Parliaments had shrunk from the exercise of the powers they possessed, the present one would not be in possession of those valuable privileges which they still retained. If the doctrine of hon. Gentlemen opposite were to prevail, he said that their privileges might as well be abandoned at once. He could understand the reluctance of hon. Gentlemen in punishing the sheriffs, who acted under a sense of duty —a reluctance which he had also felt; but with respect to both Howard and Stockdale, no such motives prevented them from acting in accordance with the wishes of the House; they defied the House for the purposes of gain. He said, therefore, that no circumstances should induce the House to act leniently towards those individuals. But if the House were to act with greater severity towards them, they might still petition the House, express their sorrow, and, as the only desire of the House was to maintain their privileges, they would attach all the consideration to that petition which it deserved. He believed that the punishment of Stockdale and Howard might be very much increased from what it was at present, by preventing them from having any communication with other persons. It was said that the Crown might interfere with the Prisons Act; but he was of opinion that this case would not come under that act, for Stockdale and Howard were not subject to that discipline to which ordinary prisoners for misdemeanours were actually subjected. He therefore believed that that course would be most effectual for the maintenance of their privileges, and would be perfectly legal. He adhered to the opinion he had before expressed, that that was the course they ought to adopt; and he was the more inclined to that opinion, because, although he now concurred in the motion of his noble Friend, he was aware that there was a great deal of force in the opinion of the right hon. and learned Member for the University of Dublin, that even placing these persons in custody would not prevent similar actions from going on; and there was a good deal of weight in the consideration of the great multiplication of subordinate agents, whom the House might be compelled to commit; but by increasing the severity of Stockdale and Howard's punishment, by preventing persons from having intercourse with them, he thought that it could most effectually accomplish the object which the House had in view. It was from that consideration, and no feeling of compassion, because he considered that such persons were beneath the compassion of the House, that he now concurred in the motion of the noble Lord.

Colonel *Sibthorp* said, that this subject was now much discussed throughout the kingdom. He had lately been down in the country, and, at a public dinner at which he had been present, he, without any hesitation, proposed the health of the sheriffs with three times three; ay, and it was drunk, too, with great applause. The feeling of disgust at the conduct of the noble Lord and his party was every day increasing. He rejoiced to say this: it was working well, and he firmly believed that the steps taken in this matter by the noble Lord, and those who acted with him, would be the very means of doing that which he every day hoped to see—namely, upset the Government.

Mr. *Godson* wished to draw the attention of the House to the circumstance, that whilst the sheriff was in custody he had no opportunity of refusing or agreeing to the wishes of the House. He would therefore defer his motion on this subject until to-morrow, so that the Government might consider whether or not they would give the sheriff an opportunity, as a free agent, of agreeing to or refusing to act in conformity with what they directed.

Motion agreed to.

First Fruits and Tenths.] Mr. *Baines* said he wished to bring under the consideration of the House a subject involving the interests and the public estimation of one of the most numerous and important orders of men in the State. And as the object that he sought to attain was a great practical reform, by the removal of a grievance which had existed in one of our principal public institutions ever since the Reformation, he ventured to claim from the House its patient attention. That object was a competent maintenance for the poor clergy, to be effected by a more equitable distribution of the revenues of the richest ecclesiastical establishment in the world, and of which they were the most efficient ministers. On several former occasions he had urged the claims of the poor clergy in that House, and asked for them that support which it was intended to afford them by Queen Anne's Bounty; but of which, as he conceived, they had hitherto been unjustly deprived. When had he last the honour to make this motion, which was for a committee of the whole House, to take into consideration the propriety of abolishing the first-fruits of the clergy, and making the real tenths conducive to the more efficient augmentation of the maintenance of the poor clergy, he had been so fortunate as to carry his motion by a majority of two to one; and he hoped, that the arguments he had now to adduce would secure to the cause he advocated equal and ultimate success. He had then entered at some length upon the historical details of the first-fruits and tenths, but it would be sufficient now to say, as the subject was better understood, that these were ancient imposts paid by the clergy—as ancient, he believed, as the formation of parishes in England—and the payments had, from the Conquest to the Restoration, been generally upon the real and true amount of the sees and benefices. At the Reformation, Henry the 8th, having determined, that the first-fruits and tenths should be paid into the public Exchequer, caused a strict valuation to be made of all the livings in England and Wales, and this valuation was recorded in the King's book, usually called the *Liber Regis.* He also caused an Act of Parliament to be passed (the 26th Henry the 8th), by which it was provided, that every bishop, dignitary, and beneficed clergyman should pay the whole of his first-fruits and tenths into offices appointed for the purpose; and that any person who neglected to make such payment should be considered as an intruder into his living, that he should be subject to expulsion, and that he should pay as a penalty double the amount of the sum he had withheld. In this way the payments were made till the time of Queen Anne, when her Majesty, moved by Bishop Burnett, determined to alienate the payments from the Crown, and to appropriate the produce of the taxes, fruits, and tenths to the augmentation of the livings of the poor clergy, and a charter of incorporation was granted to a dignified body of men under the designation of the "Governors of Queen Anne's Bounty." Loud and general were the eulogiums pronounced upon the Queen for this act of royal munificence. Addresses flowed in from all parts of the kingdom; but the clergy were amongst the most prominent in their expressions of gratitude. He (Mr. Baines) held in his hand a memorable address passed and presented upon that occasion; it was from the archbishop, bishops, and clergy of the province of Canterbury, assembled in Convocation on the 15th of February, 1704, and was in these terms:—

"We, the archbishop and bishops of the Church of England, together with the clergy, do most humbly beg leave to express the great and deep sense that we have of your Majesty's most tender compassion for the poor clergy of this Church, who have hardly wherewith to support themselves in the exercise of their ministry, and of your Majesty's gracious intentions, even by bestowing your own revenue to make a provision for them, in such a manner as you were pleased to declare in your Majesty's late message to the House of Commons. We cannot be thankful enough for so singular a blessing as we enjoy in a Queen who has recommended our holy religion to her subjects by the great example she has set them, and particularly by such signal instances of piety and charity as not only render her the joy and delight of all true Christians of this age, but leave those effects behind them for which her Majesty will be blessed in all succeeding generations."

The province of York, emulating the example of the metropolitan see, also addressed her Majesty, and their address, which he also held in his hand, expressed in still more pointed terms their gratitude and admiration of the Queen's conduct and bounty. They said, among other things, that her Majesty had removed the great, if not the only blemish of the Reformation, by making a competent provision for the poor clergy, and they declared, that her pious and charitable example would be highly acceptable to God; that it would have its effect upon all her subjects, and especially upon the clergy. As a further proof of the high expectations that were raised by the Queen's bounty, he might mention the distinguished persons who were appointed governors of the fund. These were the whole Bench of Bishops, the Speaker of the House of Commons, her Majesty's Privy Councillors, the Lords-lieutenant of Counties in England and Wales, the deans of the several cathedral churches in England and Wales, all the judges, the chancellors and vice-chancellors of the two Universities of Oxford and Cambridge, the lord mayor and aldermen of the city of London, &c., &c. To show how deplorably those sanguine expectations were blighted, he might mention the amount of the receipts and expenditure of the fund of Queen Anne's Bounty during the year 1838, which he took from a Parliamentary paper just issued, and which exhibited the following results:—

Receipts from the bishops, dignitaries, and beneficed clergy in England and Wales, in the year 1838, late Queen Anne's Bounty Fund, and charges upon the fund during the same period. From Parliamentary papers:—

Receipts—	
As First Fruits and Tenths	£13,579
Disbursements—	
Paid for salaries, fees, rent of offices, and taxes . .	6,346
To be divided amongst the poor clergy, amounting to from 7 to 8,000, being about twenty shillings each, if distributed to the whole number , , ,	£7,233

But the House would inquire how so fair a promise of competency for the poor clergy came to be so woefully disappointed? The answer was this — the Bounty Act contained a clause which had been perverted, so as to make the payments nominal instead of real, and to confine them to the valuation of King Henry 8th., instead of giving to the poor clergy, as to the rich clergy, the benefit of continually increasing value of sees and livings. The passage in the 2nd and 3rd of the act of Anne, cap. 11, which had defeated the just expectations of the sovereign, and consigned so large a portion of the clergy to poverty, was in the last section of that act, which was in reality only intended, as the title of the clause showed, to allow the clergy to give one bond for the payment of their first-fruits, instead of four as had hitherto been the practice. The clause ran thus:—

> "And whereas four bonds for four half-yearly payments of the first fruits, as the same are rated, have been required and taken from the clergy, to their great and unnecessary burden and grievance; for remedy thereof, be it enacted, that from and after the 25th of March, 1704, one bond only shall in such case be given or required for the four-payments of the said first-fruits, which said first-fruits, as well as the tenths payable by the clergy, shall hereafter be answered and paid by them according to such rates and proportions only as the same have heretofore been usually rated and paid."

It had been contended, that the words "the same rates and proportions," only meant the same value, and that as the clergy had hitherto paid the first-fruits and tenths upon the valuation made in the reign of Henry 8th., that they were in all future times to continue to pay upon the same valuation, however much the livings might increase or decrease in value. But this supposition was directly at variance with the act of Henry 8th., which provided that fair valuations should be made from time to time to prevent those livings that increased in amount from paying too little, and those that diminished in amount from paying too much. [*Hear*] He (Mr. Baines) would undertake to prove, that the construction attempted to be put on the disputed words by rendering the valuation permanent and unalterable, could not be sustained. Suppose the case of a living returned in the Liber Regis at the value of 500*l.* a-year, but reduced to 100*l.* The account would stand thus at the end of an incumbency of ten years:—

Ten years' income at £100 a-year -		£1,000
Payment for first fruits - -	£500	
For tenths, being 50*l.* a-year	450	
		950
Total amount for ten years' maintenance of bishop or rector, being 5*l.* a-year - - - - - - - - - -		£50

The hon. Gentleman proceeded next to show how great was the difference between the real first-fruits and tenths, and the sum actually paid into Queen Anne's Bounty Fund; and he instanced the living of Lambeth. This rectory was returned in the Liber Regis, on which the first-fruits and tenths were paid, as of the value of 32*l.* a-year; the tenths being 3*l.* 4*s.* yearly, but the actual value, as returned to the Ecclesiastic Commissioners by the present rector, was 2,277*l.*; and the account stood thus:—

Real amount of first-fruits - -		£2,277 0
Of tenths - 227 × 9 -		2,043 0
		£4,320 0
Sum paid as first-fruits	£32 0	
as tenths £3 4*s.* × 9	28 16	60 16
Difference in one living on an incumbency of ten years, to the disadvantage of the poor clergy		£4,259 4

This was by no means a singular nor an exaggerated case: such instances were extremely numerous, as he should show in the observations that he should have the honour to address to the House. He should not, however, rely upon his own opinion in a matter of this consequence, but refer to high legal authority. Lord Chancellor Eldon, though he was not in favour of the higher orders of the clergy paying the first fruits and tenths to the full amount, admitted, in his speech upon this subject in the House of Lords, that the words "according to such rates and proportions only as the same have heretofore usually been rated and paid," referred not to the value of the livings remaining the same, but to the rates and proportions to be paid on the whole value. That was the whole question. If the words did not imply an unaltered value, they did not bear out the construction that on a former debate in that House had been put upon them by the right hon. Gentleman the Member for the University of Cambridge, or by the late Solicitor-general. But he (Mr. Baines) should proceed to show by high legal authority, as well as upon the principles of justice and common sense, that there was no legal impediment in the way of the first-fruits and tenths being paid upon the real value, and he might mention an act of Parliament passed in the first year of the reign of George 1st., c. 10, which enacted and required the bishops, who were the acting and the real governors of Queen Anne's Bounty Fund, to make a re-valuation of the ecclesiastical livings in England and Wales, on their improved value, for the benefit of the poor clergy. Why that object had not been carried into effect, he would not pretend to say—but he would proceed to quote the legal authorities to which he had referred, to show that these ancient imposts ought to have been paid, and ought now to be paid, on their full value. He should first quote the authority of the late Mr. Agar, one of her Majesty's counsel.

Mr. *Plumptre* said, that this was a subject of too much importance to be discussed in so thin a House, and he moved that the House be counted. — House counted out.

HOUSE OF LORDS,

Tuesday, February 18, 1840.

MINUTES.] Bill. Read a second time:—Transfer of Aids.

HOUSE OF COMMONS,

Tuesday, February 18, 1840.

MINUTES.] Bill. Read a second time:—Law of Evidence (Scotland).

Petitions presented. By Messrs. Leader, Godson, and Warburton, from a number of places, for a Free Pardon to the Convicts Frost, Jones, and Williams.—By Mr. Dennistoun, from Glasgow, for Universal Suffrage.—By Admiral Adam, from Kinross, for Amending the Law relating to Church Patronage.

THE QUEEN'S MARRIAGE—ANSWER.] The Speaker read her Majesty's answer to the Address, as follows:—

"I thank you for this dutiful and affectionate address. It is with great satisfaction that I find an event in which my feelings are so deeply interested has been attended with so many manifestations of joy among my people, and has called forth expressions of loyal attachment from my Parliament."

THE DUCHESS OF KENT.—ANSWER.] The Earl of *Lincoln* appeared at the bar, and stated, that the several noblemen and gentlemen deputed by the House to present the address lately voted to her Royal Highness the Duchess of Kent, had attended upon her Royal Highness and presented the same, to which her Royal Highness had returned the following answer:—

"I receive with great satisfaction this mark of the attention of the House of Commons, which is most gratifying to my feelings, and I return them many thanks for their congratulations."

CHINA.] Sir *J. Graham* said, he had a question to put to the noble Lord opposite, the Secretary for Foreign Affairs. He thought that it was in July last that official accounts reached this country that British property, of very large amount, upwards of 2,000,000*l.* sterling, had, by order of the English superintendent at Canton, been surrendered to the Chinese authorities, on a pledge that the loss should be made good by the British Government. In November last the Secretary of the Treasury gave official information to the parties interested that it was not the intention of the Government to make that repayment. At the commencement of the present Session her Majesty, in her most gracious Speech from the Throne, expressed her regret that events had happened which had occasioned an interruption of the commercial intercourse of her subjects with China. Subsequent information had been received that acts of hostility had been resorted to, and that the port of Canton had been blockaded by a British force for four days, but that the blockade had since been withdrawn. Still more recent news had reached this country that our ships had been attacked by the Chinese, and that a conflict had taken place. Parliament had now been assembled for a month, and no information had yet been laid before the House from which they might collect what was the real situation of affairs at Canton, and the question which he had now to ask the noble Lord was, whether he was now prepared to say when he would lay on the Table papers relating to affairs that were so interesting to this country?

Viscount *Palmerston* said, that the right hon. Baronet was aware that papers had already been moved for, and ordered by the House, which were now in the course of preparation. He had made it his business, seeing that the right hon. Baronet had given notice of his intention to put the question which he had now asked, to go down to the office and ascertain when they would be ready for presentation; and he trusted that they would be ready early next week, but they would not be ready before that time.

PERSIA.] Sir *J. Graham* begged to ask another question of the noble Lord, which arose out of another paragraph in the Queen's speech, relative to our existing relations with the Schah of Persia. It was stated in her Majesty's speech that communications which had been received from the court of Teheran induced her Majesty to expect the re-establishment of our diplomatic relations with the Schah of Persia. The question he had to ask was, whether any information had been received by the noble Lord realizing the expectations so held out, and whether there was an immediate prospect of any arrangement? There was another question which he had to put to the noble Lord, respecting the position in which we stood with regard to the Schah of Herat. He wished to ask whether the Sovereign of Herat, Kamram Schah, had seceded from our alliance, and whether he was not in intimate connexion with the Court of Teheran?

Viscount *Palmerston*, in reply, said, that some time ago information had been received from the British Minister formerly at the Court of the Schah of Persia, stating that the Schah had consented to all the demands of the British Government. Subsequently to that period, however, he had received a communication from the Minister of the Schah, comprising the details of the contemplated arrangements. It appeared, however, on examination, that the mode in which the Persian government had proposed to execute its general intentions, and to give satisfaction to the British Government, was not on certain points the same as the manner in which it had been proposed by her Majesty's Government that satisfaction should be given. That made it necessary for him to make another communication to the Minister of the Schah, and of course that communication had not yet been answered; but as the Schah had declared his intention of acceding without qualification to the demands of the British Government, he had no doubt that the answer that would be received would be satisfactory. In the mean time the British agent remained at Erzerum, with orders not to return to the Court of Persia till satisfaction had been given. As to the second question of the right hon. Baronet, he was not able to state precisely the nature of the relations existing between the Governor-general of India and Kamram Schah. He had not himself received any information respecting the close connexion said to be established between Kamram Schah and the Court of Persia, but some late accounts seemed to show that some connexion existed. Those accounts, however, rested only on report.

PRIVILEGE.—MR. HOWARD, JUN.] The Sergeant-at-Arms announced that Mr. Thomas Howard, jun., was in attendance, who was placed at the bar.

In answer to questions put by the *Speaker* and the *Attorney-general*, he said that his name was Thomas Howard, and that he was a clerk to his father, who was an attorney, residing in Norfolk-street, Strand. He had been engaged in several actions, on the part of his father, and had served three copies of writs of one original writ on Messrs. Hansard, at the suit of John Joseph Stockdale. He had acted by his father's orders, and had gone to him in prison daily, and received his instructions. He had never seen Stockdale, nor did he know what the former cause of action was. He did not know the circumstances, but he could give a very near guess. Knew what the cause of action was in the present case.

By Mr. *Godson*—Had been articled to his father for three years.

By Mr. *O'Connell*—Knew that his father was in custody for a breach of the privileges of the House of Commons.

By Mr. *Godson*—It was part of the duty of his office to obey the lawful commands of his father.

Mr. Howard ordered to withdraw.

The *Attorney-General* said, that it was clear that this young gentleman was continuing the action brought by his father as the attorney of Stockdale against Messrs. Hansard, the printers of that House, and that he knew that his father had been confined in Newgate for a breach of the privileges of the House in bringing a former action for the same cause. Now, the House must either give up its powers altogether, or interpose at once, because if an attorney's clerk could carry on an action in his master's name, and remain at liberty, the object of the House would be defeated. The hon.

Member for Kidderminster had said, that this young man was bound to obey all the lawful commands of his master. That no doubt was so, but the commands which he had obeyed were not lawful but in breach of the privileges of the House, which were part of the law of the land. He was, therefore, under the necessity of moving that Thomas Howard, jun., having been concerned in conducting the action of Stockdale against Messrs. Hansard, after the prosecution of the said action had been resolved by this House to be a breach of their privileges, has been guilty of a contempt, and of a high breach of the privileges of the House.

Sir *E. Sugden* had heard with great surprise the proposition of his hon. and learned Friend, and he was sure that after the speech that they had just heard, the House was not prepared to say whether the action that was brought, and for which they were asked to declare the person just called to the bar guilty of a breach of privileges, was the second, the third, the fourth, or the fifth action. The young man was called to the bar for proceeding in a new action, and he was questioned by the Attorney-general on the subject, and his answers showed that he was, intentionally, freed from all blame in this action, and in consequence the House would have been obliged to discharge him from further attendance. The Attorney-general, however, then proceeded to question him respecting, not the action for which he was called to the bar, but the action for which his father had been committed to custody. No farther question was asked of him than to elicit from him that he was acquainted with the nature of that action. He was greatly surprised, and he was sure that the House must have been so, to have found this young man called upon to answer in an action in which damages were levied and paid. The House had no information as to the nature of any particular action on which these parties had been summoned to-night. The Attorney-general, however, proposed that they should proceed against this boy, though he merely executed a duty which he was bound by his articles to execute. This youth no doubt thought he might be excused for acting in his particular situation, when he might have thought that the cause of action had been confirmed by the full court of the Court of Queen's Bench. It appeared to him as if a trap had been laid to catch this boy in his answers in reference to an action for which he was not called to the bar. It therefore appeared that he was called there for one purpose, and it was proposed to punish him for something else. Perhaps while on this part of the subject he might be allowed to make some observations on the cases referred to last night by the noble Lord who had made some communications on matters altogether distinct from the subject before the House. The question was not as to whether they possessed the privilege of publishing these papers, but it was how the privilege, if it existed, was to be enforced. For his own part, he thought that the House had the right to publish that particular paper, but he did not think that the course that they were pursuing was the just mode of vindicating or defending their privileges. The noble Lord had stated that he (Sir E. Sugden), in defence of his opinion, had referred to cases that had occurred in the Parliament of Charles 1st and Charles 2nd; the noble Lord said that in some of these Parliaments the most important cases had been decided with reference to their privileges, but that there were many things done by the House of Commons of those days of which he could not approve. He agreed with the noble Lord that there were many things done both by the Long Parliament and by the Parliament of Charles 2nd, which were not worthy of commendation; he, therefore, went so far along with the noble Lord, but he also went further, and thought that their conduct in these cases of privilege was not worthy of such commendation as had been bestowed. One of those cases was that of an ancestor of his noble Friend near him (Lord Eliot), and who at the time, was Member for Cornwall; he meant Sir John Eliot, and eight other Members. The other case was that of the Speaker, Sir W. Williams, in the time of Charles 2nd, and both cases involved the question of liberty of speech in Parliament. He would show, that the noble Lord was wrong in the view which he took of both cases. In the case of Sir John Eliot, the information was exhibited in the King's Bench against him and the other Members, for acts done in that House, and they pleaded they ought not to be punished in that court, or any other except in Parliament. The judges, however, decided against them, and Sir John Eliot, as the alleged greatest offender and the ringleader, was fined 2,000*l.*, and the others were amerced in smaller fines. The House of Commons resolved that the proceedings were illegal, and that the information in the Court of King's Bench for matters done in Parliament was against the law and privilege of Parliament, and a gross contempt and breach of privilege. But how were these proceedings respecting the infringement of their privileges got rid of? First of all, there was a joint resolution of that House and of the House of Lords on the subject; and then there was a writ of error issued by the House of Lords, reversing the judgment. This, be it recollected, was done, not by acting against the law, but by acting with the law, and by appealing to the supreme tribunal, the House of Lords, for the reversal of the proceedings in the case. The second case was still stronger, namely, the proceedings against Speaker Williams, for they had never been reversed. The decision, however, was quashed in effect, and upset by the Bill of Rights. In that act, among other things, it was declared that it was utterly contrary to the laws and statutes and freedom of the realm, and to the privileges of Parliament, to proceed by prosecutions in the Court of King's Bench, for matters and causes cognizable only in Parliament. The Bill of Rights also declared that the freedom of speech and debates in proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament. This, therefore, might be taken to meet the case of Williams, and the declaration in the Bill of Rights might be assumed to set the matter at rest. He had cited these two cases in order to show that the proceedings taken in them, were very different from the system which had been pursued by the noble Lord in this case. He would only say one word as to the Convention Parliament. That Parliament called before it Pemberton and Jones, two of the former judges of the Court of King's Bench, for acts done by them seven years before; and after hearing them, the House of Commons resolved, that the judgment of these judges in those cases, for matters done by order of the House of Commons, and against Mr. Speaker Williams, is illegal, and against the freedom of Parliament, and that a bill be brought in to reverse the said judgment. This resolution, however, of the Convention Parliament, had been regarded by all the judges, and all the lawyers since that time, that although they had settled the point, the proceeding was altogether illegal. Therefore, when the noble Lord referred to this case as being in point, he took up a dangerous ground. Again, in the case of Ashby and White, all the steps that were taken by the House, were most objectionable, and the House in the result was signally defeated in the matter, The case which he referred to last night. and which had been commented upon by the noble Lord, did not occur in the time of Charles 1st. or Charles 2nd., but in the time of the Commonwealth. The case of Naylor occurred at a time when the House endeavoured to arrogate to itself the highest privileges, and had subverted the authority of the other branches of the Legislature. It certainly was not exactly a case of privilege, but it showed that when a representative or other popular assembly had such power, it did not know how to proceed without inflicting great injustice. But he would read the resolution which was passed by that House of Commons on the subject of James Naylor, the Quaker's prophet, as he was called. The resolution was,

"That James Naylor be set on the pillory, with his head in the pillory, in the New Palace, Westminster, during the space of two hours, on Thursday next, and shall be whipped by the hangman through the streets from Westminster to the Old Exchange, London, and there likewise be set upon the pillory, with his head in the pillory, for the space of two hours, between the hours of eleven and one on Saturday next, in each of the said places, wearing a paper containing an inscription of his crimes; and that at the Old Exchange his tongue shall be bored through with a hot iron, and that he be then also stigmatised on the forehead with the letter B. That he be afterwards sent to Bristol, and conveyed into and through the said city, on a horse bare ridged, with his face backward, and there also publicly whipped the next market-day after he comes thither; that from thence he be committed to prison in Bridewell, London, and there restrained from the society of all people, and kept to hard labour till he shall be released by Parliament; and during that time be debarred from the use of pen, ink, and paper, and shall have no relief but what he earns by his daily labour."

This was at a time when they had an attorney-general who was not so mild and considerate as the attorney-general of the present day, for the then holder of that office, when the question was under consideration as to the amount of punishment to be adjudged to him by the House, recommended that Naylor should be put to death, and stated that if the House did not possess the power of putting Naylor to death already, that they should pass an act to hang him. A resolution was proposed to this effect, but it was not agreed to by the House. From what then took place, it appeared that if Cromwell had not interfered in this case of Naylor, he would have been punished with unequalled severity. The proceedings in this case, showed how necessary it was that that House, as other like bodies, should be controlled in the exercise of power; for, if the power existed, it might happen at any time that it would be abused in a similar manner. It showed how dangerous it was to entrust more power to a popular assembly than was absolutely necessary for the exercise of its functions. To return to the question immediately before the House, he did not think that it would tend to secure their privileges, or to add to their reputation, to sanction the resolution just moved by the Attorney-general, and he therefore hoped that the noble Lord would not press the resolution against the youth who had been called to the bar, for acting under the directions of his father. If, however, he did so, he should feel it to be his duty to oppose it to the uttermost.

The *Attorney-General* said, the right hon. and learned Gentleman had entirely mistaken the case. The question which he had put to the person at the bar related to the fourth action, and with that action that person acknowledged that he had proceeded, although he knew that his father had been committed for a breach of privilege for commencing the same. It was for the fourth action that the father had been committed, and it was for following up that action that the son was now called to account. The right hon. Baronet might have taken another opportunity of entering into the question of privilege.

Sir *E. Knatchbull* was at a loss, even now, to understand, with any degree of certainty, to which action the present resolution had reference. Was it the fifth or the fourth action upon which the House was about to proceed? If the fifth action had not been brought, would the present proceedings have been taken? He thought it was by no means fair to deal with the son of the attorney in this manner. He supposed that the Attorney-general would not venture to proceed against that person except upon clear and intelligible grounds. The hon. and learned Gentleman said, that he proceeded against the father for the fourth action; but he had not taken the trouble to ascertain whether the son had been acting in the father's name before or since the committal of the father. No inquiry had been instituted to settle that point; and he, therefore, thought that they would not improperly and unjustly, and without due consideration for the character and dignity of the House, if they committed the son under such circumstances. He submitted this point to the noble Lord and the hon. and learned Gentleman, and hoped it would receive attention. He should be sorry to use any harsh expressions on the present occasion, but he could scarcely forbear repeating the complaint that had been made, that no courtesy had been shown to the minority on this question. He thought there had been a want of consideration. The privileges of the House had, or they had not, been violated. That being the question, and the minority exceeding 100, he did think that some further consideration might have been shown towards so large a number of Members, and that at least as to consequences, some greater respect should have been paid to their opinion.

Mr. *O'Connell* thought the majority had been treated with very little courtesy, for they had been compelled to listen to the reiteration of the same arguments from the minority, who were still unyielding, very conscientiously, no doubt, to what appeared to be the unanimous opinion of an overwhelming majority of the House. The right hon. Baronet appeared to have fallen into mistake as to the nature of the motion; it was not at present for commitment. The motion was to declare whether or not the person who had been called before the bar of the House was guilty of a breach of privilege. For his own part, he (Mr. O'Connell) should be sorry to vote for his commitment until he had ascertained that the House had declared that he had been guilty of a breach of privilege; and then, if called before the bar, and informed of that decision of the House, he should hold out the least hope that he would not continue to prosecute the action, he would not press for his commitment. There could not be the slightest doubt that the son had followed up the fourth action commenced by the father, for he had put that question to him, and asked him if he had proceeded with the fourth action after he was aware that his father was in custody for a breach of privilege, and he answered in the affirmative. Could the House proceed against the sheriff hereafter, if they allowed a person to go free who, with a knowledge that his father had been committed for a breach of privilege in commencing an action, nevertheless continued to carry it on? Talk of traps, indeed! He thought that would be laying a trap for the sheriffs, because they would wilfully allow an action to proceed on which they would afterwards turn round upon the sheriffs, whom they ought to favour as much as they possibly could consistently with their privileges. It was not fair to put the sheriffs in jeopardy. He believed that there was not that desire and appetite amongst the majority for sending people to gaol which hon. Gentlemen opposite supposed to be in existence. The right hon. Baronet seemed to put the question into a new phrase, and to make it more difficult at every step. He had alluded to the case of Naylor, by way of making the House of Commons appear cruel and tyrannical. But he utterly denied that the House of Commons had acted in the way described. It was not the House of Commons, but an assembly called from the three kingdoms by Cromwell, by virtue of his writs, and under the superintendence of his major-general, without certainly the form of elections or election petitions, for the qualification to sit was decided by a file of Cromwell's grenadiers, who were stationed in the lobby, and they let no man in who had not the *entrée* from Cromwell. That was the assembly which had been that night called the House of Commons. They were but a set of miscreants, whose fanaticism went to such an extent, that the sentence which the right hon. and learned Gentleman had read was but the milder sentence of the majority, the minority being for taking off the man's head at once. It did not become the hon. and learned Gentleman to taunt the House with the acts of such an assembly. He might as well taunt the House with the doings of the National Convention of France, for the one was as much the House of Commons as the other. If the young man had not committed a breach of privilege, it would be difficult to define what a breach of privilege was. Would not the House place itself in a dilemma if, after committing one person for commencing an action, they should let the other who carried on the suit go free? It would be stultifying the House to act in that manner.

Colonel *Wood* said, he was rather unwilling to take a part in the present discussion, but he could not help saying that, notwithstanding all the hon. and learned Member for Dublin had said, he thought they had summoned the lad to their bar to answer for one offence, and now they were going to punish him for another. It was in consequence of the petition from the Messrs. Hansard which the noble Lord had presented, complaining that a new action had been brought against them, he believed the fifth or sixth action, that the present proceedings had been taken by the House. The youth who had made his appearance at the bar had answered the questions put to him in a satisfactory manner; but he had certainly been entrapped into an answer with respect to the fourth action, because he answered very openly and honestly every question that was put to him. He begged the House to consider before they decided on committing this boy how far they were prepared to go in this course? How many sons would they continue to commit for obeying their fathers? If any mode could be devised by which the House could get out of this difficulty, it ought to be adopted. An hon. Member had said, in the course of the discussions which had taken place, on this subject, that unless the privileges of the House were supported by public opinion, it would not be easy to maintain them; but he very much doubted whether the people of this country would uphold them in sending lads one after another to gaol for obeying their fathers, whom by legal articles they were bound to obey. He hoped, therefore, that the House would pause before they took the present step. When he heard the lad give the first series of answers he was glad to find, that he said nothing which could implicate him, for the answers were satisfactory as far as he was concerned. But he did not expect that hon. Members would go trying back in order to fix on some former proceeding so as to lay hold of something for which the lad had not been summoned to answer.

Mr. *T. Duncombe* thought it quite immaterial to the question whether the young man who appeared at their bar had been engaged in the fourth, fifth, or sixth action brought in Mr. Stockdale's name. He did not think that he ought to be called at all. It was altogether unworthy of the House to be engaged in such a course as it was now pursuing. They had been called together about five or six weeks ago for the consideration and despatch of "divers urgent and weighty affairs." They were in the fifth week of the Session, and what had they done? They were at the end of that time engaged in a discussion whether they should commit this boy for obeying his father. The hon. and learned Member had said he would support the motion for declaring this young lad guilty of a contempt, because he obeyed his father, to whom, besides the duty of a son, he owed also the obligation of an apprentice or articled clerk. He should like to know how that hon. and learned Gentleman would feel if one of his own sons was to be committed for assisting him if he were in any difficulty or embarrassment. There was no doubt that this boy, if committed, would call forth the sympathies of the public, because it would be generally felt that he ought not to be punished for what was only an act of obedience to his parent, and it was equally certain that the House would lose much in public opinion, and would (as we understood the hon. Member) make itself the laughing stock of the country. It was, he thought, high time that this course of proceeding should cease. To him it appeared that there was a way of getting out of the difficulty without any compromise of its honour or giving up its privilege, and that was by a joint Committee of both Houses meeting in conference and declaring what they considered to be their privilege in this matter. There was a case analogous to this as regarded the joint Committees of both Houses. In 1763 John Wilkes was arrested on a general warrant for seditious libel. He was brought up by *habeas corpus* before the Court of Common Pleas, and claimed his discharge on two grounds: first, that general warrants were illegal; and next, on his privilege as a Member of Parliament. The Court held that the first plea was not good, thereby deciding that general warrants were legal, but it released him on his plea of Parliamentary privilege. The law as to general warrants had since been altered, but it was then and now admitted that a Member of Parliament was protected by his privilege in all cases except those of high treason, felony, or breach of the peace. The Attorney-general of that day not satisfied with the decision of the Court, went on with the prosecution, the House having declared by a resolution, that the privilege of Parliament did not extend to seditious libel. The court of law, however, held that it did extend to that case. The Commons having passed the resolution just mentioned, communicated it in a conference to the Lords, and a joint Committee of both Houses met to consider the subject. The question was warmly contested in each House, but the Lords eventually decided that the privilege of Parliament did not extend to cases of seditious libel. No writ of error had been moved against the decision of the court of law, because after the decision to which the Lords had come there was no doubt that on an appeal they would reverse the decision of the court below. He would now propose that the decision of this question be sent to a joint Committee of both Houses. If they agreed to a resolution affirming the claim of privilege for publishing the reports of both Houses, no legislation would, in his opinion, be necessary; but should it be so considered, the joint Committees would soon agree on the heads of a bill for that purpose. This course would, he thought, get them out of the difficulty in which they were now placed, and save them the trouble and loss of time in going on in this way from day to day. The hon. Gentleman then read the motion which he was about to submit, as an amendment to that before the House, to this effect—that the privileges of Parliament are intended solely for the benefit of the community at large, and that the right of publishing such of its reports, votes, and proceedings as shall be deemed necessary or conducive to the public interest, is an essential incident to the constitutional functions of Parliament—it is expedient that a joint Committee of both Houses of Parliament shall be appoined for the purpose of considering the best mode of securing to each branch of the Legislature the free exercise of a power so important to the public welfare. This, of course, would refer to both Houses of Parliament, and this was necessary, for from what had fallen from Lord Denman when this question was before his court, it was clear that he did not recognize this right of publication in either House. His observation was, "I am not aware of the existence of any body in this country whose servants had a right to publish libels against any individual." From this it was clear that the Lords were equally interested in the assertion of their right of publication, and it would be highly probable that they would join with the Commons in asserting the rights of both. The hon. Member concluded by moving his amendment.

Mr. *Leader*, in seconding the amendment, said that up to a recent period he had voted with the noble Lord (Lord John Russell) on all these questions of privilege, and he had done so in the belief that the House ought to possess the full right of publication. He considered that there were many things objectionable in the course pursued by the Government in this matter, but still the right of publication of their proceedings was so important that he thought it should be secured by every means in their power. However, on consulting some friends who were more learned in these matters, he felt convinced that the House did not, by the course it was pursuing, gain the right which they claimed, and that it was daily weakening the authority of the law in the country. The House did not gain the publicity which it sought, for the blue books which were sent forth in such numbers in every session, were not read by the public. The public came to a knowledge of their contents through the daily, weekly, and monthly press, and yet none of these were protected in such publications, and an action might be brought against any one of those publications for any alleged libel in those reports; so that, in fact, there was no publicity whatever gained by the House—at least none that was protected. It was, therefore, necessary that the House should take some other course. Experience had shown that in all the contests in which it was engaged as regarded its privilege, it had never succeeded except it was backed by public opinion; but he must say that public opinion was not with them on this occasion. He would repeat, that the public opinion was decidedly against them. He had had many representations on this subject from some of his constituents. He did not say that he had changed his opinion on that account, but he would assert that one could not meet with any persons out of that House, except the hangers on of Government, who did not say that the House was acting tyrannically, and that it would be beaten at last. Let him ask what would be the situation of the Attorney-general or of the noble Lord if twenty such men as Howard or Stockdale were to refuse to attend to the injunctions of the House. If, as he believed, this assertion of privilege, or the mode of doing it, were not supported by public opinion, and if as was the fact, it was declared to be illegal by a large body of the lawyers of the country, and by one of the courts of law—if under these circumstances twenty resolute men, not deterred by threats of commitment, were to go on with other actions, refusing to admit the privilege, what, he asked, would be the situation of the Attorney-general and of that House! Would it not be one of increased difficulty and embarrassment? After having gone all these lengths in support of its privilege, how did it know that the House of Commons in the next Parliament might not take a very different view of the question? He repeated, that what they had yet done did not secure to them the right of publishing. The courts of law, as far as they had resorted to them, had decided against them; and if they did not respect the law, he would ask what authority would they respect? Even in America, whose republican institutions were so often cast up against Members at his side, the greatest respect was paid to the decisions of the High Court of Appeal, even in cases between states and the federal Government. The best and the safest way to settle this matter would be by legislation, or by conference between the two Houses, and the Lords would not refuse their sanction and support in a matter which affected their privileges also. Though they might not stand very high in the estimation of the hon. and learned Member for Dublin, and perhaps with good reason—yet they would not be so stupid as not to support their own privileges. If, however, the course pointed out by the amendment of his hon. Friend should not succeed, they would be in no worse situation than they were at present; but if they went on as they were doing, they might rely upon it that they would become every day more and more unpopular with the country. One subject connected with this question was the present state of the law of libel; and, as far as related to that, the present discussions and proceedings would do good, if they should have the effect of inducing the Government to alter the law. In conclusion the hon. Member repeated his opinion that the reference to the joint committees of both Houses would be the most effectual means of bringing the question to a satisfactory termination.

Dr. *Lushington* had listened with some surprise and unmitigated pain to the speech of the hon. Member for Finsbury, and at finding with what slight regard to circumstances he discharged his Parliamentary duty. There was scarcely one ground of objection which he now urged which would not have applied with equal force to the votes he had already given on this subject. What, let him ask, had since occurred to induce him to change his opinion? The hon. Member for Westminster said, that they would not secure publication by what they were now doing, and that the reports of the proceedings of Committees found their way to the public only through the daily, weekly, and monthly press. Did the hon. Member recollect that his constituents frequently applied to him for copies of the evidence on which reports of committees were founded, and that during the Parliamentary recess the papers teemed with voluminous extracts from those reports? There was no ground for the hon. Member's change of opinion on the score of publishing. Then it was said that the people of the country did not go along with the House in those proceedings. That he must take leave to deny. He represented a much larger constituency than his hon. Friend, and from any one of them he had heard nothing against the course which the House was taking, and if he had, he would have said to the party making the objection, that if the right which the House claimed were not asserted and affirmed, they could not come to him for copies of those reports; or if they did, and that he gave them, he would then be the publisher of anything libellous which they might contain. If the power were taken from the House, the public must do without those useful documents. His hon. Friends who had moved and seconded the amendment seemed not to agree in the view they took of this matter. One thought it was all important to the welfare of the country, but the other said nothing on the subject. His hon. Friend objected not so much to the privilege as to the mode of asserting it. Of those who might concur in that objection, let him ask what was the course which they were prepared to pursue? If they once conceded the point of being the only judges of their own privileges, they would be giving up the whole question. He would grant that the courts of law contained independent and upright judges, but did not the House recollect, and above all did not his right hon. and learned Friend the Member for Ripon recollect, the memorable case in which the judgment of Lords Eldon and Ellenborough was reversed by the House of Lords—when the halt and the blind and the sick were brought down—when every species of influence, direct and indirect, was resorted to for the purpose of rendering nugatory the wise, the legal decisions, of the great men whose names he had mentioned? His right hon. and learned Friend would also recollect with what indignation those eminent individuals walked out of the House of Lords when they found that their opinions were to be overborne by numbers, and not by reason—when they saw that justice was to be trampled under foot, and that injustice was to triumph. Now, might he not be permitted to suggest the possibility of a similar occasion occurring again? He regarded the principle for which they were contending as something so sacred, that nothing should induce them to abandon its maintenance. If they submitted a question of this kind to the judgment of the courts of law, they could never afterwards find any excuse for refusing to submit all other cases to similar tribunals. The House of Commons would then be no longer independent, and could no longer conscientiously discharge the duties which they owed to their constituents. To come, however, more immediately to the present motion, an appeal had been made to the House by the right hon. Baronet the Member for Kent, to the effect that something ought to be conceded out of courtesy to the Members who sat on the same side of the House with the right hon. Baronet. He professed his inability to understand the reasonableness of such an appeal; could the present be regarded as a question for the remission of punishment on the ground of the courtesy due from one side of the House to the other? The parties now in prison were not sent there for any purpose but to maintain the privileges of the House of Commons—they were not sent to prison under the influence of any feeling of anger—that course was merely resorted to, being considered as the most efficacious mode of asserting the rights which belonged to that House. He should certainly support the present motion, and he did so with a strong conviction that he could not continue to hold his seat in that House with credit to himself or advantage to his constituents if he ventured to pursue any other course. It appeared to him most plainly that that was the only one which the House could follow; at all events he was prepared to pursue it, however great the hazard to himself. Whatever of character or of popularity he happened to possess, he was perfectly willing to stake it upon the result of the present proceedings. He could not for a moment permit himself to hesitate upon such a question. If the House of Commons clearly saw, as he did, the necessity of maintaining their privileges, it would be pusillanimous, it would be cowardly not to do so, especially in circumstances like the present. Upon these grounds he should vote for the committal of Mr. Howard, jun. It appeared to him beyond the possibility of question that that individual had been guilty of a breach of the privileges of that House as related to the fourth action. There could not be a shadow of doubt that he was cognizant of the cause of that action, and therefore he thought the House ought on no account to reject the motion, but cordially and promptly to vote for its adoption.

Sir *R. Peel* said, that he should defend the course taken by the hon. Member for Westminster, though he could not defend the speech which the House had just heard from him. He seconded the present amendment in perfect conformity with every principle that he had avowed in the earlier part of the proceedings in which the House were engaged. The motion asserted this principle, that the privileges of Parliament were intended for the advantage of the community at large. If so, did it not become a sacred duty which they were bound under all circumstances to discharge, not to permit those privileges to be infringed? If they existed not for the benefit or profit of individual Members, nor for that of the House of Commons collectively, but for the advantage of the community at large, ought they, acting as trustees for that community, to permit those privileges to be lightly violated? If some of his constituents told him that the House of Commons were pursuing an unwise and precipitate course, he might very fairly reply to them that that course was not adopted for any personal or tyrannical purpose. The hon. Gentleman the Member for Westminster had observed that the publication by the House, as it was called, amounted to nothing; that the real and efficient publication was by the newspapers; but the House must see that such an observation was inapplicable to the question then under consideration. The hon. Member for Westminster seconded an amendment favourable to a publication of their reports, on the ground that it was necessary to the discharge of their public duty, as an essential incident of their representative character, and there was no other mode in which they could exercise the privilege than that which they had adopted; and it was at the same time to be recollected that the publication by the newspapers did not take place until after the publication by the authority of the House. In order to justify the course which he was taking, he wanted no other admission than this—that the privilege was necessary to the discharge of their functions as a House of Commons. He did not expect that upon the present occasion a general discussion would arise, but if it should arise, he thought the House ought to take care that the grounds of their conduct be not misunderstood. It was material that the public should clearly understand what the real state of the case was. A great anxiety prevailed for the improvement of prison discipline, and it was in the gratification of that that the present proceedings had arisen. He admitted that he consented to resorting to them with extreme reluctance; he feared that the powers possessed by the House were imperfect, and as the courts, instead of vindicating their privileges, as they had been accustomed to do, had given judgments adverse to those privileges, he must say that he could not exclude from his mind the possibility that to legislation they must at last come. When they did approach to that, it was most material to them that they should not be prejudiced by silence as to the facts of the case, and it was therefore that he did not wish to see any undue restraint placed upon the course of the discussion. Some complaints had been made of harsh terms used during these proceedings. It must be clear to all who had any experience of the business of the House of

Commons that they could not go on if they were not at liberty to use strong language: he willingly conceded that freedom to others, and he now claimed it for himself. The public, in forming a judgment upon these proceedings, ought not to forget the occasion which had given rise to them. As he had already said, there existed much anxiety upon the subject of prison discipline. Commissioners were appointed to inquire into the state of the gaol of Newgate. Under the guise of a medical treatise, a book was found there of a most obscene character. He had thought it his duty to refer to that book, and it proved to be an exceedingly obscene volume put forth under the paltry pretence of being a medical treatise. A jury were of that opinion. The commissioners appointed under an act of Parliament likewise thinking so, made a report. The publication of that report became the subject of an action, and there arose considerable doubt as to whether or not it was a privileged publication. In his opinion there never could be a clearer case: nor could any case be more important? It lay at the root of all their privileges. It could not for a moment be supposed by any rational and intelligent man that the representatives of the public were to be precluded from communicating with the public upon such a subject. It was one of paramount importance in the business of prison discipline—it was of the very highest importance, that those who were sent to gaol should not come out worse than they went in, and for this purpose it was important that, under pretence and colour of a medical treatise, a book of gross obscenity should not be put into the hands of prisoners. The Court of Queen's Bench had decided that the House of Commons were not justified in issuing this publication, and that Parliament had no right to publish libels. On the other hand, the House of Commons denied the power which was incident to a due exercise of their authority as a component part of the Legislature. It should never be forgotten that positive assertions were made to this effect, that actions might be brought in the inferior courts, and those courts might disregard a plea put in by Mr. Hansard, setting forth that the publication had taken place by order of the House of Commons. Mr. Justice Patteson had said, that he was met by the objection, that if the superior courts tried such actions, inferior courts, courts of quarter sessions, and borough courts might do so likewise. He admitted that this was well founded. Courts of quarter sessions—men not clothed with the authority which belonged to the judges of the superior courts—might imprison the printer of the House of Commons in the case of a criminal proceeding, or render him liable to heavy damages in a civil action. Not only had Mr. Justice Patteson given that opinion, but he was enabled to state upon an authority as high as any in the country—namely, the authority of Mr. Justice Littledale, that inferior courts —that courts of quarter sessions and borough courts could try actions of this nature; that the learned judge held to result from the law. If the law were as Mr. Justice Littledale stated it, then it was clear that the printer of the House of Commons would be liable, not only in Westminster-hall, but in every court throughout the kingdom. He further begged it might not be forgotten, that every legal authority within the House had said, that the House was substantially in the right. They might object to the mode of proceeding, but not one of them defended the main judgment of the Court of Queen's Bench. His right hon. and learned Friend on his left, the Member for Exeter, and the Member for Huntingdon considered the publication in question a privileged publication, and that the decision of the Court of Queen's Bench could not be maintained; they held that the House of Commons possessed the privilege, and that the Court of Queen's Bench ought to support them. He relied not upon any extreme privilege of the House, and he thought there was no use in reviving the recollection of atrocities which belonged to a period long since passed away. At the present day there was no danger that the unwarrantable powers formerly exercised would be again called into existence. He might with equal justice say, he could not permit the Court of Queen's Bench to decide on any privilege of this House, because he found that, in former periods of our history, they had given some most extravagant decisions. For instance, he had found a case in which the Court of Queen's Bench had decided that after a session of Parliament, Members were liable to be questioned in a court of law, for speeches they had made in Parliament during the session. The Court of Queen's Bench had unanimously decided with respect to that very question, that they were so. On that occasion, one of the judges had said, that "no outrageous speech against any great Minister of State had ever been made in Parliament that had not been punished," and agreeably to that doctrine, Mr. Justice Jones, on the last day of the term, pronounced judgment, that Sir J. Elliot should pay a fine of 2,000*l.*, because he had been the most outrageous, and, as it were, the ringleader of the party in Parliament; that Mr. Hollis should pay 1,000 marks, and Mr. Valentine 500*l.* That was what the Court of Queen's Bench had done in former times, but he did not believe that the Court would do that now. The question really was, what were their privileges, and were they justified in maintaining them? Now he was for maintaining all those privileges of the House which were essentially necessary to the due performance of their functions. He was about to state, however, that he relied on judicial authority of a very recent period. The doctrines laid down in the case of "The King *v.* Wright," by judges of the greatest eminence, went the whole length of maintaining the privileges for which they were now contending. They went, indeed, further, but they included the privileges of the House. The case itself was a very strong one, and the decision was most important. It appeared that Horne Tooke had brought an action against a printer for a libel. Application was made to the Court of Queen's Bench for a criminal information against the defendant, but by some rule of special pleading with which he was not acquainted, the criminal information was got rid of, without deciding the merits of the case. But he looked to the doctrines that were then laid down by the judges; and he knew not how it was possible, after that, to contend that the judges had not, at a very recent period, admitted the privileges of the House of Commons. The action he was now alluding to was against a printer, with whom the House had nothing to do, for reprinting a report of the House of Commons, which contained, as Horne Tooke contended, a libel against him. On that occasion Lord Kenyon said—

> "That the inquiry was made by the House of Commons: it was an inquisition taken by one branch of the Legislature to enable them to proceed further in passing regulations for the better government of this country. This report was first made by a committee of the House of Commons; it was then communicated to the House at large, and approved of by them; it was afterwards submitted to the other House, and then published. It is now *sub judice*. The report in question having been adopted by the House of Commons, in a proceeding of those who are the guardians of the liberties of the subject, we cannot consider any part of those proceedings as libellous, and therefore I am of opinion that the rule ought to be discharged."

That was the opinion of Lord Kenyon, in favour of the privileges of this House, because he considered that they were necessary. Mr. Justice Grose also said—

> "This is a motion for leave to file a criminal information on account of a libel, but that libel is contained in a publication of one of the branches of the Legislature whilst they are acting for the safety of the State. I have looked for authorities on this point, and I can find no one resembling this except the case of 'The King and Sir W. Williams.' That was most like this case, but it was declared by the highest legal authorities to be disgraceful to the country."

Mr. Justice Lawrence, too, also maintained the doctrine which Lord Denman maintained on Saturday last—that the publication of trials in newspapers was justifiable on the ground that the public were interested in knowing what passed in the courts of justice. When an action, therefore, was brought against a newspaper for an account of a trial, that publication was considered privileged, and to be protected by a court of justice; but if, under those circumstances, the printer of the paper was to be protected, would not the House of Commons support its own authorized printer in publishing their proceedings? Mr. Justice Lawrence, in giving his opinion in that case of "The King and Wright," said—

> "The same reason also applies to the proceedings of Parliament. It is an advantage to the public and even to the legislative body itself, that a true account of their proceedings should be generally circulated; and they would be deprived of that advantage if no person could publish their proceedings without being punished for it. Therefore, although the defendant was not authorised by the House of Commons, yet as he only published a true copy of their report, he was of opinion that the rule should be discharged."

But what a revolution had taken place in the Court of Queen's Bench since that time! Here were judges some thirty years ago maintaining that an unauthorized printer, who, for his own gain, a mere speculation for private interest, published a true copy of their reports, was protected, because the public had an interest in knowing what passed within the walls of Parliament; and yet that same court now with equal unanimity denied to the authorised printers of the House the power of publishing to the country the facts that were stated in the report of the committee, that Newgate required reform, for obscene publications had been found to have been introduced there. He relied not on the reason of the case, not on that authority in which the hon. Gentleman found support for his resolution, not on any extravagant claims brought forward by a popular assembly, but he relied on the solemn judgment of the Court of Queen's Bench, some thirty or forty years ago, giving protection to an unauthorised printer for publishing a correct copy of the proceedings of the House. And when they had been told that every inferior court in the country might summon their agents and servants before them to answer for a libel, because the private feelings of some individual were libelled, he would put it to the people of England, whether the opinion of the judges were to break in on those privileges which they had exercised for 200 years, which they had struggled for at a time when judges were corrupt, and their powers were despotic and almost predominant. Was it after a lapse of 200 years that they could see, without apprehension, a course taken which should place the decision of the privileges of the House of Commons in the hands of judges who had already shown a disposition to curtail even those that were necessary? By their pleading to the action of Stockdale, they had submitted so far the decision on this question to the Court of Queen's Bench. Judgment had gone against them not only on the individual point, but on the existence of the power; and at the same time a claim was preferred for every inferior court to exercise the same power over their privileges, and it was said, that every man had a right to bring these actions against the printers of the House, notwithstanding the order. What course, then, was to be followed? He had heard complaints made about the delay that had occurred; but he was not sorry for that delay. It was said now, that public feeling was universally against the House. Public feeling was of the utmost importance, if those who represented it were satisfied that that public opinion was correct; but no man could by intuition decide on this question, and it was in vain for a man who had not read much on the subject to say that the House of Commons was wrong. No man's opinion was worth any thing who would not study the subject, but who would undertake to decide on *primâ facie* grounds. Now, last year the public opinion was this, that for the House of Commons to open a shop for the sale of libellous matters was one of the most monstrous things in the world, although it was quite right to publish copies for their own Members. And yet the Court of Queen's Bench had admitted that the sale constituted no part of the transgression. They were now, too, discussing the question on the very ground whether the sale was necessary for the due performance of their duties. But suppose they had appealed to the fifteen judges in the Exchequer Chamber, and they had decided against them. They would then have manifested no desire to vindicate their privileges by their own authority, and what would have been their next step? They would have gone to the House of Lords. And suppose the House of Lords had decided against them, how many other privileges would have been endangered by it? The question would have appeared to turn on a single privilege, but the judgment would have shown that there was no privilege which they now possessed that was not held by the precarious tenure of the sanction of the House of Lords, and that they had admitted that extrinsic authority as the judges of their privileges; and they would at last be obliged to vindicate their own privileges themselves, because they had no other mode. If they were to maintain their privileges by their own authority, there was not one privilege in which they could help asserting that power in spite of any feeling against it, and therefore he could not think that the House of Commons, on a vital question like this was to give up that power, which affected not this privilege alone, but every other privilege in respect to which there had never been any question raised. It had, at least, been allowed that they had the effectual power of committing other ministerial officers; but he himself much doubted whether they had that effectual power which he thought was suitable to the dignity of the House of Commons. And he therefore repeated again, that whilst he attached the utmost importance to those privileges, when it should be established that they had not the effectual power which they ought to possess, he for one should not think it in the slightest degree inconsistent with the dignity of the House of Commons to take that course which had been taken in other cases, and by enactment to obtain those full powers which he considered to be essential to the proper discharge of their duty. These actions were, indeed, instances of the incompleteness of the present power of the House; and when he saw the estimates in which it was proposed to vote a sum of money to Messrs. Hansard, although he should give his vote in favour of it, yet he should do so most reluctantly, as he considered the necessity of it to have arisen from the incomplete power of the House. His opinion on this subject had been the same from the very first. He was fully aware, if they proceeded by enactment, of the danger of leaving other privileges liable to be questioned; but if he were told that there was no other remedy against these actions, both during the recess and the Session, than by consuming the public time day after day, he should say that the time was come, when it would be perfectly consistent with a due regard to their own dignity, and the public interests, if they attempted to find a substitute by enactment, at the same time reserving to themselves, in case that enactment should fail, the power they now exercised of vindicating their privileges by their own proper and intrinsic powers.

Mr. *Wakley* said, that his hon. Colleague, in introducing his motion, had asked what that House had been investigating since the commencement of the Session. He (Mr. Wakley) should like to ask the hon. Member if, after the speech they had just heard from the right hon. Baronet, the Member for Tamworth, whether he would think it necessary to repeat his question? In point of fact, the House of Commons had never met for the discussion of a more important question; nor, in his opinion, had a question ever been discussed with more patience or forbearance. His hon. Colleague had submitted a motion to the House, which had been dissected by the right hon. Baronet in such a manner as to make his hon. Colleague sufficiently ashamed of his offspring to consent to its burial without further funeral ceremony. Both his hon. Colleague, and the hon. Member for Westminster, seemed to think that public opinion was with them. He had been marvelling, since the addresses of those hon. Members, where they could have lately been, or with what sort of society they had lately associated, because he, whose occupation led him to the very borders of the county, found the people every where of one mind, and that was, to encourage the House to support its privileges. Above all things the people said, "Don't go to the House of Lords." He was ashamed to hear any popular representative make such a proposal. He would ask hon. Gentlemen opposite, who resisted the opinion of the majority, what course would they take? Would they call the judges to the bar? If they would support that motion he would make it, because he was of opinion, that the judges ought to be brought to the bar. He could tell the right hon. Baronet the Member for Tamworth, that his conduct on this question had made him the most popular man in the House, for that all parties were unanimous in his praise—and if hon. Gentlemen opposite did not approve of the course pursued by the right hon. Baronet, what course would they themselves suggest? Were they to give up the persons who had violated their privileges? The right hon. Baronet had shown, that the judges would not maintain their privileges; that not only would they not protect them, but they would question them on every opportunity. He would not now go into any other parts of the question. He would not inquire, at present, whether the imprisonment which the sheriffs had undergone was sufficiently rigorous. He by no means blamed the House for releasing one of the sheriffs, for he felt convinced of the validity of the reason given for the discharge of that gentleman. Indeed, he was not at all surprised that such a reason should have existed, for he recollected remarking one evening, as he came into the House, a number of people running backwards and forwards, making a great bustle, and very soon he heard cries of "Make way, make way—dinner for the sheriffs!" Now, he must say, that to over-feed persons who had violated the law was not the way to maintain the privileges of the House. A lower diet, and one which would not create a superfluity of blood, should be prescribed, if it were merely out of humanity. The House must go on in the course which it had begun, unless it was prepared to sacrifice its independence, and the liberties of the people.

Mr. *Shaw* wished to explain what the observation was with which he had interrupted his right hon. Friend the Member for Tamworth. He (Mr. Shaw) had merely wished to call his right hon. Friend's attention to the fact, that a civil action could not be maintained in a court of quarter sessions. With regard to the question before the House, he would recommend the hon. Member for Finsbury to withdraw his amendment, which would merely confuse that which would be a very simple question, although it had been much lost sight of in some of the speeches which had been addressed to the House. The principle of the hon. Member's amendment was one deserving of the serious attention of the House, but it would be much more advisable to reserve it for separate and distinct consideration on some other opportunity. He would say one word as to the particular question before the House. Was it not an act of cruelty to send to gaol a boy of eighteen or nineteen years of age because he had obeyed his father's orders? It appeared that this young man was conducting his father's business during his confinement, and that no other member of the family was competent to do so. Upon the same principle that he (Mr. Shaw) had formerly advanced, when he urged the House to deal with principals, and not with those who were merely the instruments to carry into effect the orders of others, he now asked the House to be satisfied with the imprisonment of the father, and not to punish the son, who merely acted by his father's directions. As far as he (Mr. Shaw) had an opportunity of observing the state of public opinion, he agreed that it was opposed to the proceedings of the House, and it would be still more strongly against the House if it adopted the course now proposed.

Mr. *Pryme* thought that the House would act correctly in committing the younger Mr. Howard. The hon. Member for Dublin University contended that the son should not be punished for obeying the commands of his father. He would ask that right hon. Gentleman whether he would in the court over which he presided, with so much credit to himself, admit as a defence for a culprit the assertion that he had acted under the direction of his father who was in prison? Their only course was to attack the instrument, and, if they admitted the defence that persons were acting under orders, their committals would completely fail of their object.

Sir *E. Sugden* thought that the younger Howard could not be committed on the testimony he had given. He would read to the House the resolutions of last night, to show that the young man had nothing to do with the action to which those resolutions referred. The right hon. Gentleman, having read the resolutions, said that he thought that the young man had completely cleared himself of any participation in the fifth action—the action for which he had been cited to the bar. For this reason he thought it would be an act of injustice to punish him.

Mr. *Freshfield* had not expected that the general question of privilege was to be re-argued on the present occasion, nor had he supposed that it would have been considered necessary to defend the proceedings of the House upon the special circumstances of the particular case, or upon the dire necessity which was imposed upon the House of informing the public what books were read in Newgate. He had thought the House would have stood upon the broad question of its privilege, and not have condescended to go into the facts connected with the particular publication out of which those proceedings had arisen. If Mr. Stockdale had published an obscene book, let him be punished in due course of law; it was not necessary for the House of Commons to take upon itself the duty of holding him up to public reprobation: the House might give the public all the information which was requisite without descending to those minutiæ which would give any individual a right to complain that he had been unnecessarily libelled. The House might no doubt stop the whole course of justice, but unless it did so it would never be able to stop any particular action. Fresh proceedings would continually be taken, and then the House might go on committing another man or woman —for the proceedings might be carried on as well by Mr. Howard's wife as by his son; the House might go on till it committed the judges, but until the whole course of justice was stopped, particular actions would go on at the same rate as other proceedings in courts of law. Let the privilege of the House be declared by an act of Parliament, then the public would know what the privilege was, and individuals would not be injured.

Mr. *Goulburn* rose to satisfy the House on the point suggested by his right hon. Friend the Member for Ripon. If he understood the objection of his right hon. Friend, it was, that young Mr. Howard had been summoned before the House with respect to the fifth action, and they were about to punish him with respect to the fourth action. But the question before the House was, had a breach of privilege been committed or not? When Mr. Howard had been before the House the other day, he said he had served two notices, one by Mr. Pearce, the other by Mr. Howard, jun. The House had summoned these persons before them, and Pearce did not appear, but Howard, jun., appeared, and said he had done the act—that he had served the notice of the fourth action. [*No.*] He so understood him at the bar. If so, he had been guilty of a breach of privilege.

Mr. *Williams Wynn* cared not for what Mr. Howard had been summoned. Suppose a Member rose in his place and complained of a distinct breach of privilege, and the party was called to the bar; if it appeared that he had been guilty of any other breach of privilege, he might be committed for the contempt. He should not, therefore, go into the question further than to say that Mr. Howard had admitted that he had been guilty of a breach of privilege.

Mr. *Law* called the attention of the House to the evidence of Mr. Hansard, who said, that the writ was served by a person who represented himself to be named Pearce, and a clerk of Mr. Howard. The charge against young Howard was, that he had been instrumental in serving the writ, whereas it appeared from the evidence of Mr. Hansard that it was not the person summoned to the bar, but Mr. Pearce, who served it. They had found it impossible to restrain these actions by the commitment of the father, and the House was now proceeding with so much severity against his son and clerk, a young man nineteen years of age, because he was instrumental in serving the writ of inquiry, so far from which Mr. Hansard, their own witness, said he was not the party who took the step, but a person named Pearce. That might solve the difficulty of the non-appearance of Mr. Pearce. [*A laugh.*] The Gentleman who laughed might be in the confidence of Mr. Pearce. [*Cries of "Divide!"*] It was very well for Gentlemen who had come down to the House to decide without hearing one word of the evidence, to cry "Divide." In the few observations he had to make, he should not be deterred by the cries of a majority, who were not content to carry their object, but who wished to put an end to discussion.

Mr. *Sanford* said, the person at the bar had been asked if he had taken any proceedings in the third action; the answer was, "The fourth action—yes, I have done a great deal." He was then asked, "The action on account of which your father is in confinement?"—Answer, "Yes." Under these circumstances, this young man, knowing that his father was in confinement for a breach of the privileges of the House, had aided in carrying on the action, and had, therefore, been guilty of a contempt of the privileges of the House.

Sir *E. Knatchbull* said, it did not clearly appear what the young man had done in furtherance of the action commenced by his father. He would call the attention of the noble Lord to the fact, and suggested that it should be more definitely stated what the breach of privilege was.

Lord *J. Russell* said—It seems to me that all those several actions are part of one and the same proceeding; and, with regard to one of them, it was resolved yesterday, that being any way concerned in bringing (or aiding in bringing) that action, is a gross breach of the privileges of this House. [*"Which?"*] The action for which the jury has been summoned for the 20th February. As I said, these proceedings are all intended to defeat the privileges of this House. It appears the younger Mr. Howard, having been clerk to his father for three years, has been the instrument of bringing these actions one after another; and Mr. Howard, though in custody, employs the clerks in his office to defeat our privileges. There can be no doubt that the younger Mr. Howard acted knowingly; and as for the remark, that he was not brought to the bar for the breach of privilege for which it is proposed to commit him, I do not see, unless the right hon. Baronet can maintain that no man at that bar is to plead guilty of a breach of privilege, that this House can avoid committing any individual who shall acknowledge himself guilty of such a breach.

The House divided on the original question:—Ayes 137; Noes 37: Majority 100.

On our re-admission we found

The *Attorney-General* then moved, " that Thomas Howard, jun., had been guilty of a contempt and breach of the privileges of the House, and that he, for the said offence, be committed to the custody of the Sergeant-at-Arms. He trusted that the young man would express his contrition for having violated the privileges of the House, and undertake not to persist in such violation; and if he did this, he should be most ready to move that he be discharged.

Sir *E. Sugden* again insisted, that there was nothing before the House to show that this young man had committed any act in breach of the privileges of the House. For all that the House knew, he might merely have copied papers in his father's office.

Mr. *O'Connell* thought it was very painful for the House to be under the necessity of committing any individual, and very desirable, if possible, to escape from that necessity. There was only one way in which they could escape, by the individual expressing his contrition, and undertaking not to offend again. He therefore should move, as an amendment, that he be called in to the bar of the House, and that the resolution be read to him; and that it be put to him whether he wished to make any statement to the House.

Lord *J. Russell*: Before the hon. and learned Gentleman actually move any amendment, I would call his attention to the fact, that this House has already voted that this person is guilty of a great contempt, and I fear there would be considerable difficulty in adopting the course of calling him to the bar. We cannot forget that with regard to another person we had what seemed to us to be an expression of contrition, and an assurance that the offence would not be repeated, and the very next day we saw a letter in the papers of a totally opposite tendency. It appears to me that, for a person really desirous of conforming to the privileges of the House, the course to be pursued is for him, when in custody, to apply to the House by petition, and in his petition to state precisely and exactly, that he was desirous to obey the orders of the House, and regretted having committed a breach of privilege. If this be done, then the House would probably feel justified in extending clemency to the petitioner.

Mr. *Shaw* objected to calling young Mr. Howard to the bar now to make any verbal declaration. It was offering a temptation contrary to good policy and morality.

Mr. *Kelly* agreed with his learned Friend the Member for Ripon, in calling on the learned Attorney-general to declare explicitly for what act the young man was to be committed. From the evidence he could not understand what it was. From the evidence it certainly did not distinctly appear.

The House divided:—Ayes 134; Noes 41: Majority 93.

List of the AYES.

Abercromby, G.
Adam, Admiral
Aglionby, Major
Baines, E.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. D.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Campbell, Sir J.
Clay, W.
Collins, W.
Corbally, M. E.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Divett, E.
Donkin, Sir R. S.
Dundas, F.
Elliot, hon. J. E.
Evans, W.
Ewart, W.*
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P.
Ford, J.
Fremantle, Sir T.
Gordon, R.
Goulburn, H.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, Sir C.
Grey, Sir G.
Hall, Sir B.
Handley, H.
Harcourt, G. G.
Harland, W. C.
Hastie, A.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Howard, F. J.
Howick, Lord
Hume, J.
Humphery, J.
James, W.
Lockhart, A. M.*
Lushington, C.*
Lushington, S.
Lynch, A. H.
Macaulay, T. B.
Macleod, R.
Melgund, Lord
Miles, W.
Morris, D.
Muskett, G. A.
O'Brien, W. S.
O'Callaghan, C.

O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor, Don
Ord, W.
Parker, J.
Parnell, Sir H.
Pechell, Captain
Pendarves, E. W.
Phillips, M.
Pigot, D. R.
Pinney, W.
Pryme, G.
Rich, H.
Rickford, W.
Roche, W.
Russell, Lord J.
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Sheil, hon. R. L.
Sinclair, Sir G.*
Smith, B.
Somers, J. P.
Stansfield, W. R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Tancred, H. W.
Thornley, T.
Townley, R. G.
Troubridge, Sir E.
Tufnell, H.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, Sir R. H.
Waddington, H.*
Wakley, T.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, Sir T. B.*
Wood, G. W.
Wood, B.
Wynn, rt. hon. C.
Wyse, T.
Yates, J. A.

TELLERS.

Maule, hon. F.
Steuart, R.

List of the Noes.

Alsager, Captain
Attwood, W.
Broadley, H.
Bruges, W. H.
Dalrymple, Sir A.
Darby, G.
Dick, Q.
Dowdeswell, W.*
Duke, Sir J.
Fitzroy, hon. H.
Gladstone, W. E.*
Goring, H. D.
Grimsditch, T.
Henniker, Lord
Holmes, hon. W.
Hotham, Lord
Hurt, F.*
Ingestrie, Lord
Ingham, R.*
Knatchbull, Sir E.
Law, hon. C. E.
Leader, J. T.
Lygon, hon. Gen.
Packe, C. W.
Pakington, J. S.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.*
Richards, R.
Rolleston, L.*
Round, C. G.
Round, J.
Shaw, rt. hon. F.
Smyth, Sir G. H.
Somerset, Lord G.
Style, Sir C.
Sugden, Sir E.
Talfourd, Sergeant
Vivian, J. E.*
Wood, Sir M.

TELLERS.

Kelly, F.
Godson, W.

* Were absent on the first division.

[Voted with the Ayes on the first division, and absent on the second, Bulwer, Sir E. L.; Butler, Colonel; Dennistoun, J.; Langdale, hon. C.; Loch, J.; Morpeth, Viscount; Muntz, G. F.; Muskett, G. A.; Norreys, Sir D.; Walker, R.]

[Voted with the Noes on the first division, and absent on the second, Duncombe, T.; Richards, R.; Wood, Col.]

Thomas George Johnson Pearce was called to the bar and examined by Mr. Speaker.

Mr. Pearce stated, in answer to questions put to him, that he was clerk to Mr. Howard, Attorney, 7, Norfolk-street, Strand, and that he had been engaged in serving notices on the parties in the two last actions in question; but he was silent when asked whether he knew the nature of the actions.

In reply to questions put by the Solicitor-general, Mr. Pearce said, that he was in Mr. Howard's service when that gentleman was committed to custody for a breach of the privileges of the House; that he knew the cause of his committal to be the action brought by him against the Messrs. Hansard; that he had since then conducted the proceedings in the other actions; that he served the writs in these actions, and that he knew the action in question was an action involving a breach of the privileges of that House. But he also said, in answer to a question by Mr. Law, that he knew the Court of Queen's Bench held the action to be tenable, and that the Messrs. Hansard paid the damages assessed in the first instance.

In answer to questions by Mr. Godson, Mr. Pearce said, that he had been only about two years in the service of Mr. Howard, and that he was but a mere copying clerk.

In reply to questions put by Mr. *O'Connell*, the respondent said, that it was he who served the notice of trial about a week ago in the pending action, and that he did so by Mr. Howard's direction, from whom he received the order to that effect; that he had been to Newgate to Mr. Howard last Saturday, but not on the subject of the action, only on the business of the office; that Mr. Howard's son was the conducting clerk in the office, now that his father was absent; that there were no other persons in the office but him and young Mr. Howard; and that the entire business of the office had been transacted by them since the imprisonment of the elder Howard.

Mr. *Law*: Have you any other employment but that of Mr. Howard?

Mr. Pearce: No.

Mr. *Law*: And you consider that you

would be liable to be dismissed if you did not do as you were ordered?

Mr. Pearce: Yes, at a moment's notice, if I refused.

Mr. *Law:* Have you a family?

Mr. Pearce: I have a wife and son, and I have no other means to support them except my labour. Besides, I have been a military man all my life, and I have learned never to break the law, or disobey my orders.

Mr. *Law:* And your family have no means of support if you are imprisoned on this charge?

Mr. Pearce: No. Imprisonment would be my ruin, and theirs also. I beg to tell the House, that my wife is allied to some of the oldest nobility, some of the first nobility in this country—I may say the first and oldest in this country—a family the patent of whose nobility is as early as 1616. She is the daughter of the hon. Philip Roper, and is first cousin to Lord Teynham. And as she is an outcast from her family for marrying a soldier, she would be totally destitute if she had not me to provide a subsistence for her.

In reply to Mr. *Kelly*, the respondent stated, that he had acted for Mr. Howard as he had always done; that the action in which he was concerned was for the recovery of damages for libel; and that in acting as he had done he conceived he had only discharged his duty to his employer.

Mr. Pearce having withdrawn,

The *Solicitor-General* moved, that Thomas George Johnson Pearce, having been knowingly concerned in carrying on two actions, and having served the writ of inquiry therein, after his master, Mr. Howard, had been imprisoned for the same causes, was guilty of a contempt and breach of the privileges of that House.

Sir *E. Sugden* said, that he had this satisfaction at last, that the House could now go no lower. The House could not be engaged in a more painful task than it was at present. Mr. Pearce had been only two years in an attorney's office, and he had done nothing in the case but the business of a common clerk. The House was, therefore, at issue with the humblest class in the country. Could it go lower? Believing that the motion was an unjust and impolitic one, he should give it his decided negative.

Viscount *Mahon* would ask the House with all respect, how much farther it intended to carry these proceedings?—to what lower depth of degradation did they mean to descend? What hope could ever the Attorney-general hold out of their coming in this manner, to a safe or honourable issue? He would entreat the House to remember that in all former cases of privilege, the national sympathy was in favour of Parliament; but they were acting at present in the very face of public opinion. [*"No!"*] He would ask those hon. Gentlemen who cried "No!" whether they did not find this feeling to prevail amongst all their correspondents or acquaintance? [*"No!"*] Well, he could answer for his own. Feeling that this question involved in the highest degree, the laws and liberties of his country, he had taken an opportunity of conversing upon it with various persons, of every party, of every profession, of almost every walk in life; and he could solemnly declare that, with the exception of Members of that House, and of their relations, he could scarcely remember two out of several hundreds who approved of the violent and vindictive course they had pursued. Let the present question be clearly understood. The question was not whether the House should have the privilege of publishing its proceedings; {that privilege was freely conceded by him, and those on his side of the House, but whether the indiscriminate sale of papers, for purposes of profit, should be any longer sanctioned. He wished the privilege of publication to be placed on the same footing as it was previously to 1835, when the resolution authorising such sale was passed by the House. It was one thing to enjoy the right—and he admitted a just and necessary right—of full and free communication with constituents or political adherents, and another thing to open a shop, and to drive a trade with any one who might choose to purchase. He wished the House to enjoy every one of the rights, privileges, and powers (and who shall say that they were small ones?) which it possessed in 1835, and if any legal doubts had occurred as to any of these, he would readily join in a bill to confirm and secure them. The noble Lord opposite (J. Russell) had on a late occasion spoken of a declaratory law to settle the question; but the noble Lord had since then receded from his opinion, and he now pursued vindictive, instead of legislative measures. He did not think that the House could adhere to the rash and ill-considered resolutions of

1837, which denied that under any circumstances whatever, the cognizance of questions involving privilege, could belong to the Courts of Law; and he conceived that on that point the argument of the hon. and learned Member for Exeter was unanswerable, as it certainly was unanswered. That hon. and learned Gentleman had asked whether a murder, should one be committed in the execution of a writ of the House, could possibly be tried by the House, or be withdrawn from the jurisdiction of the Courts of Law, and he begged leave to repeat that question? If they could not withdraw such a case from the courts, it was clear that the resolution of 1837 was untenable. He would not, however, go into the general question; he would only repeat, he thought they would best consult the interests of the House by passing a legislative measure, to carry which, he assured the noble Lord he would readily lend his best assistance. If, however, the noble Lord would not follow up the measure he had himself proposed, and persevered in his course of commitments and of persecutions, he (Lord Mahon), and those with whom he acted, would continue to offer them the most earnest, the most decided, and the most uncompromising opposition.

Lord *John Russell:* the noble Lord was greatly mistaken in supposing, that it was the mere publication of their papers in a shop which rendered them liable to actions. Let him take an instance from what occurred that very day. His right hon. Friend, the Member for Pembroke, had asked him a question with reference to the transfer of the Hill Coolies to the Mauritius. Those papers relating to this subject he was going to lay on the table, and when he proposed to introduce into them matters which related to the treatment and general condition of the Hill Coolies, as well as to the conduct of their masters and employers, of the captains and agents who had brought them from India, he was asked, whether the extracts should be partially made, or should contain everything which bore upon the question. His answer was, that there should be made a full and complete statement with respect to those persons; and, if he had not done so, he did not think he should be giving that House fair grounds for their legislation. Did he say these papers did not criminate individuals? Far from it. They might revoke, if they pleased, their resolution of sale. But if his right hon. Friend, having possession of these papers, were to send them to some person to ascertain his opinion of the facts, and to know whether they agreed with his experience, that would be a public action, and his right hon. Friend, in endeavouring to obtain the means of forming a fair and conscientious opinion on a subject of legislation, would be rendering himself, as well as the person who received these papers liable to an action for libel. So little did the noble Lord, who had devoted so much time to this subject, understand the real position in which the House would be placed if they did not adhere to their privileges. He asked the noble Lord, who assented to the necessity of maintaining this privilege, how they were to assert it? The noble Lord had asserted, that he had receded from his promise, of introducing a declaratory act. His declaration on that subject was this, that if the assertion of the privileges and powers of the House (though he thought them very extensive) were attended with public inconvenience, a declaratory act was advisable with regard to the general service of the country. From that opinion he had not in the least changed; but while he was determined to preserve in any manner he could the privileges of that House, he had not seen reason to believe, that a declaratory act was likely to settle the question in the manner he at first supposed. The right hon. Member for Tamworth had offered, merely as a suggestion, that a bill should be brought into the House of Lords by the Lord Chancellor. He found on consideration, and on weighing the information which he had received, that there were obvious objections to that course. He was determined, if he adopted the plan of bringing in a declaratory bill, to do so with the greatest possible consideration, and to give it the best chance of success. He would not expose their privileges to be farther weakened by the course which he wished to adopt for the purpose of securing them. Therefore, while he said, that he was still favourable to a declaratory bill, and that if he saw a fair chance of carrying such a bill without injury to their privileges he should himself propose it, he must tell the noble Lord, that in the present state of the question, a declaratory bill being an uncertain mode of proceeding, inasmuch as he did not know how it might be received by persons of great weight and authority in the House of Lords, he was not prepared to say, that their ancient mode of vindicating their privileges by commitment should be abandoned. They were told at the commencement of these proceedings, that their resolution would be mere waste paper if they did not execute it by proceeding against all those guilty of a breach of their privileges. This was said, though it must have been clear that the House had the power of discriminating between the cases of various individuals. But when the case before them was that of a person who had made it a trading speculation —at any rate the main object of his profession—to bring a series of actions, one after the other, for the purpose of calling their privileges in question, then he said, if they did not persevere in their resolution, that contempt to which they were told they would expose themselves, would be incurred. He might be told, and told with great truth, that it was a disagreeable proceeding to commit persons in the low and unhappy condition of the witness. But he must say, that the person chiefly to blame was the attorney who employed this man to commit an offence against their privileges. Mr. Howard had power over this man which was tantamount to the authority of a master. Mr. Howard ought not to employ him to disobey the law, and it was not their fault if, having violated their privileges, he had thought himself obliged to take that step as the servant of another. He was quite sure, that if a day labourer at any quarter session were to urge as an excuse for an offence, that his master had told him to commit it, that he would not be listened to for a moment. He should be very glad for many reasons—for the part he was obliged to take on the question, for the time consumed in these debates, and for the public inconvenience these proceedings occasioned, if some mode could be devised of settling the question of their privileges; but he was persuaded, if they now declared they had no power of enforcing their authority by commitment, they would not only fail in their present proceeding, but by no other proceeding could they obtain a recognition of their privileges.

Mr. *Ingham* thought the noble Lord was mistaken as to the opinion of the judges. Judge Patteson had said, that every Member enjoyed the right of communicating to any person any document published by the authority of the House; and why? Because the criterion of a just privilege was this—the right of doing all that should enable them to perform their duty in that House. This right had been admitted by the judges in the case of Stockdale and Hansard. They said the question was not sale or no sale, but one of indiscriminate circulation. It was, therefore overlooking the judgment to say they denied the privilege of publication. They allowed this so far as was necessary to the exercise of the functions of the House.

Mr. *Andrew White* said his constituents supported him in the view he took of this case, namely, that the majority were right.

The House divided:—Ayes 135; Noes 53: Majority 82.

[The persons who voted on this division were the same as those who voted on the following one.]

The *Solicitor-General* trusted, the imprisonment of the party would be but short; but at the same time the effect of it would be to let the attorney know, that he could no longer use this man as an instrument in his proceedings, nor could he conceive, that there would be any reason for the discharge of Pearce from his employment merely because he was incapacitated from fulfilling the orders of his master by his imprisonment in that House. Mr. Howard might release him from the particular duty, and then Pearce could present a petition, couched in respectful terms, to induce the House to take his case into consideration. The hon. and learned Gentleman moved, "That Thomas George Johnson Pearce, having been guilty of contempt, be committed to the custody of the Sergeant-at-Arms."

Sir *E. Sugden* said, that he must take the same course in this question as he had done in the previous one. He would certainly divide the House on it, and whenever there was a motion for a similar commitment of innocent individuals he would resort to the same course of opposition, The Solicitor-general plainly told them he would wish the attorney's clerk to make an admission of his error, and ask for mercy. Of course, being a poor man, and left without subsistence, he would be happy to make it to rejoin his family; but what value would it be to them? The consequence would be that attorneys bringing similar actions would send all the ticket-porters in the Temple, Gray's Inn, and Lincoln's Inn, instead of their own clerks, to serve their summonses. Then his hon. Friend would have to take them all up, call them to the bar of the House, tell them that they had committed a breach of privilege, and order them into custody. He wished him joy of his prospective occupation. [*Interruption.*] Certainly they had lost much time. Heaven have mercy on the poor wretch subject to the decision of such a tribunal; I thank God, said the right hon. Gentleman, that I am not liable to its judgment. Are hon. Gentlemen aware that this is a judicial tribunal, and that they are sitting on a case of the personal rights and liberties of a fellow-countryman? They should at least be anxious to show some appearance of moderation—that they are not governed by passion in their peremptory legislation. That he had expressed himself warmly he had no doubt; that he felt warmly he knew; and that feeling was excited by the want of attention which had been exhibited to those judicial functions which they were called upon to exercise. If they had heard him patiently, one-third of the time which he had then occupied would have been spared.

Mr. *W. Miles* moved to substitute for taking Mr. Pearce into custody, that he be called to the bar, reprimanded, and discharged.

The House divided on the original motion: Ayes 134; Noes 54; Majority 80.

List of the AYES.

Abercromby, G.
Adam, Admiral
Aglionby, Major
Anson, Colonel
Archbold, R.
Baring, rt. hn. F. T.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Callaghan, D.
Campbell, Sir J.
Collins, W.
Conyngham, Lord
Corbally, M. E.
Currie, R.
Clay, W.
Craig, W. G.
Dalmeny, Lord
Divett, E.
Dundas, F.
Dundas, Sir R.
Elliot, hn. J. E.
Ellis, W.
Evans, W.
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
Fremantle, Sir T.
Gordon, R.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hayter, W. G.
Hector, C. J.
Hepburn, Sir T. B.
Hobhouse, rt.hn.Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hope, hn. C.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Lord
Hume, J.
Humphery, J.
James, W.
Langdale, hn. C.
Lockhart, A. M.
Lushington, C.
Lushington, S.
Lynch, A. H.
Macaulay, rt hn. T. B.
Macleod, R.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Miles, W.
Morpeth, Viscount
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Parker, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Pinny, W.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rich, H.
Roche, E. B.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Stock, Dr.
Strutt, E.
Tancred, H. W.
Townley, R. G.
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Vivian, J. H.
Waddington, H. S.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Wood, G.
Wood, B.
Wynn, rt. hon. C.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, hon. E. J.
Steuart, R.

List of the NOES.

Alsager, Captain
Ashley, Lord
Attwood, W.
Bailey, J. jun.
Baring, H. B.
Broadley, H.
Bruges, W. H.
Dalrymple, Sir A.
Dowdeswell, W.
Duke, Sir J.
Duncombe, T.
Eaton, R. J.
Filmer, Sir E.
Fitzroy, hon. H.
Gladstone, W. E.
Godson, R.
Goring, H. D.
Grimsditch, T.
Hamilton, Lord C.
Henniker, Lord
Holmes, hon. W.
Hotham, Lord
Hurt, F.
Ingestrie, Visct.
Ingham, R.
Knatchbull, right hon. Sir E.
Knox, hon. T.
Law, hn. C. E.
Leader, J. T.
Mackenzie, T.
Mahon, Viscount
Packe, C. W.
Pakington, J. S.
Pemberton, T.
Plumptre, J. P.

Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Scarlett, hon. J.
Sibthorp, Col.
Smith, Sir G. H.
Somerset, Lord G.
Stanley, E.
Sugden, Sir E.
Talfourd, Sergeant
Verner, Colonel
Wodehouse, E.
Wood, Sir M.
Wood, Colonel T.

TELLERS.

Darby, G.
Kelly, F.

Speaker to issue his warrant to commit Mr. Pearce to the custody of the Sergeant-at-Arms.

COUNTY CONSTABULARY ACT — AMENDMENT.] Mr. *F. Maule* said, that he rose to move for leave to bring in a bill to amend an act passed last Session called the County Constabulary Act. The object of the bill which he proposed to introduce was not to alter any of the principles laid down in the act of last Session; but it had been found, that difficulties had arisen from the mode of payment provided for carrying into effect the regulations of the act, by levying it out of the county rates; a difficulty as to that provision had arisen in various counties, in which certain districts only had adopted the act. In counties, also, in which there were isolated portions of other counties, it was difficult to say how those isolated portions were to be dealt with, because they were incorporated in the police districts of another county than that in which they were rated for the payment of their proportion to the general county rate. Now, he proposed to alter the system of payment for the county constabulary by enabling the justices to assess for each district. Many of the difficulties would in that way be got over; if the justices assessed to the police rate only those districts which adopted the act, they might be collected with the county rates, and no difficulty would arise; because, with respect to isolated portions of other counties which had adopted the act, the justices would be empowered in the bill which he proposed to introduce either to assess those portions of other counties to the rates which they might think fit to lay on, or to apply to the treasurer of the other counties to pay that proportion of the rate which the isolated parts of those counties would fairly bear. Another difficulty was, that some uncertainty existed as to the operation of the act of last Session to boroughs under the Municipal Act, which had not a grant of Quarter Session. He believed, that the clause did affect these boroughs; still as there was considerable doubt on the subject, he intended to declare in the present bill that no town under the Municipal Corporations Act, having a municipal corporation of its own, and being bound to maintain a police of its own, should be liable to be assessed for the county constabulary; and he proposed to enable towns of this description to combine with the county in having the same chief constable to control the whole police. Another difficulty has arisen with respect to those parts of the counties of Kent, Essex, and Surrey which bordered on the circle of the metropolitan police, and with reference to which those parts which were included within the metropolitan police district at present might be called upon to pay, not only for the metropolitan police, but also for the maintenance of the county constabulary. He therefore proposed, that those parts of the suburban districts should not be rated to the county constabulary for any parts within the metropolitan police districts; and that magistrates having no property without the metropolitan district should take no part in the assessment of the rate for those parts of the counties with which they had no connection. These were the principal alterations which he proposed to produce. He did not intend in any way to alter the principle of the measure. He was aware that several counties had complained that its adoption was attended with very considerable expense, and that some other propositions were likely to be made, by which it was hoped that a constabulary might be established at much less expense. But he did not think that any effectual system could be established unless the constables who were appointed could give up the whole of their time, not only for the detection, but for the prevention of crime, which was a duty more incumbent upon them than the mere detection of crime after it had been committed. During the short period that this act had been in operation, great service had been derived from it, though perhaps not all that could be desired. He was happy to say, that it had been adopted in thirteen counties, and in some with very considerable success; and he trusted that others would soon follow their example. He was sure that every hon. Gentleman would be prepared to consider calmly and dispassionately the measure, which could only have one object in view, that of giving, during these disturbed times, a good and efficient constabulary to the whole country, as a force very much preferred to that of the military.

Sir *E. Knatchbull* did not intend to offer any opposition to the motion of the hon. Gentleman, but, on the contrary, was glad that he had introduced this measure. He was glad also that he had taken a different course from that which he had pursued last Session, and had introduced it at a time when it could be carefully considered. As to the points to which the hon. Gentleman had referred, there would not be much difference between them. He was glad that the hon. Gentleman proposed to modify the provisions of the bill of last Session as to the expense. He approved also of an alteration of the bill with regard to its operation in the suburban districts, where it had certainly produced a great degree of confusion. He was not aware that it had been adopted to the extent stated. He could understand that the principle had been agreed to; but he could not understand how so expensive an alteration could have been so extensively adopted. There were certain constitutional objections to the bill, which would be more properly discussed at the second reading, and he merely now reserved his right to oppose it upon these grounds. He knew that the expense had caused great dissatisfaction. It was larger than the hon. Gentleman contemplated; and he hoped that, in this respect, the hon. Gentleman would introduce clauses to give the bill a different course of operation. If any counties chose to incur the heavy expense, and did it with the consent of those who paid the rates, of course he could have no objection to the adoption of the measure in those counties; but if it were found that in other counties the magistrates could establish an efficient police with one-third of the expense, he hoped that there would be no objection to the introduction of some provision enabling them to establish a police of that character. The hon. Gentleman said, that no persons should be employed as constables who could not devote the whole of their time to the performance of the duties of that office. Now, where the population was large, he could understand that that might be necessary; but that did not apply to the rural districts. He thought that an efficient force might be established by appointing high constables, having under their control a large number of constables appointed by the Courts Leet and Courts Borough, and that such a force would be more effectual for the purposes required than that proposed by this bill.

Mr. *Hodges* was glad that the hon. Gentleman had drawn up a bill on this subject; but, as he had declared his intention not to alter the principle of the bill of last Session, he entirely despaired of obtaining any material improvement of that measure. He begged to give notice of his intention at an early day to move for leave to introduce a bill for the purpose, not only of improving the present constabulary force, but generally for the purpose of providing efficient means of affording protection to property, and security to the inhabitants of the country.

Mr. *Hume* said, that the hon. Baronet had expressed a hope that this measure would be carried through with the concurrence of the ratepayers; but how could he hope for that concurrence? If the ratepayers had the election of a board for the government and control of their police, there might be some reason for expecting it, but how could they expect them to pay so large a sum in money to a body of irresponsible magistrates? Approving as he did of the establishment of a police, not where this one or that one desired it, but throughout the country, he entered his protest against this measure. This bill ought not to be carried out unless the ratepayers had the power of choosing those who were to assess the rate. When the bill went into Committee he should propose some clauses altering the principle of the bill.

Lord *Granville Somerset* rejoiced that at this early period of the Session this bill had been introduced, and he gave his assent to all the amendments in the bill of last Session proposed by the hon. Gentleman. Many clauses in that act were so monstrous, that he never could have consented to their introduction into any county with which he was connected. He hoped that many new provisions would be introduced into the act, if the Government found that there was a general feeling everywhere in favour of a cheap constabulary force. He could hardly conceive that her Majesty's Government could oppose such a proposition. He knew that there were many counties which would joyfully accept of a cheap constabulary force, but which were prevented from adopting the measure of last Session by the great expense attending it. If the hon. Member for Kilkenny were in the habit of attending quarter sessions, he would find that the magistrates felt as much responsibility and as much dislike to lay on any public burthens as any representative body could do. When he was acting as a justice, he felt himself as much bound not to lay on one farthing upon the public which he did not consider absolutely necessary, as when, in that House, he was called upon to vote any part of the public expenditure of the country.

Mr. *Pakington* said, it was clear the bill should undergo considerable discussion in its future stages, and therefore he would not occupy the House with any lengthened observations upon it. But with respect to the additional expense, he was certain that no objection could be made to it, when security of person and property would be the exchange. In the county which he had the honour to represent, there was not found the slightest objection to the police by the rate-payers. There had been in that county a saving of between thirty and forty thousand pounds a year by the new Poor Law Act, and there could be no objection to an expenditure of two or three thousand pounds a year to ensure security. He would put it to the right hon. Gentleman whether some part of the expense should not be paid out of the consolidated fund?

Mr. *C. F. Berkeley* asked, would towns in which a local police was at present established be subject to a double rate by this bill?

Mr. *F. Maule* said, certainly no town so situated should be doubly rated.

Mr. *Langdale* agreed with the hon. Member for Kilkenny, that the people should have control over the money they were called upon to give by this bill.

Mr. *Gally Knight* said, some measure of this kind was absolutely necessary. In the altered state of the country, the present rural system of constabulary was of no more effect than the old "Charlies" were in the towns. He would further observe, that the maintenance of an active police in the towns had a great influence on the preservation of property and peace in the country. He wished the administration of the police were left in the hands of the Government. He regretted that party feeling should have been endeavoured to be excited on such a subject as this, on which of all others party spirit should be discarded—and he was sorry that the high-sounding names of "constitutional principle" and "British liberty" should have been employed to create ill-feeling against a measure directed against thieves and cut-throats. It was desirable in the highest degree that the system should be universal through the country, otherwise it could not be effectual. The counties who did not adopt it would be worst off, for to them would be driven the vagabonds expelled by the vigilance of the police in the rest. But he thought some allowance from the consolidated fund might be permitted to counties.

Leave to bring in the bill.

FROST, WILLIAMS, AND JONES.] Mr. *Leader* rose to move, that an humble Address be presented to the Queen, praying her Majesty to be pleased, under the special circumstances of the case, to grant a free pardon to Frost, Williams, and Jones. The hon. Member presented petitions from Stroud, with 1,300 signatures, from a place in Suffolk, from Stonehouse, Lewes, Hamilton, and Glasgow, to that effect.

Mr. *Fox Maule* hoped the hon. Member would not bring on so important a motion at that hour. It would be injustice to the hon. Member himself, to Gentlemen who had to reply to him, and to the prisoners themselves, to go on with the discussion at that time of the night.

Mr. *Leader* said, it was only twelve o'clock, and two hours might be enough. He would ask the hon. Gentleman, would he pledge himself that the prisoners should remain at Portsmouth until this discussion should be had? If so, he was ready to give way, and put off his motion till Thursdy.

Mr. *Hume:* although he should second the motion of the hon. Member, would advise him not to press it at that hour. He thought he had better put it off until Thursday, and then take his chance of bringing it on.

Mr. *Leader* said, it would be most unfair on the part of the Government, should the prisoners be transported before this motion was disposed of. He would at the suggestion of his hon. Friend, postpone the motion to Thursday.

Motion postponed.

HOUSE OF COMMONS,

Wednesday, February 19, 1840.

Minutes.] Petitions presented. By Sir Edward Knatchbull, Lords Ingestrie, and Heniker, Sir Edward Sugden, and Messrs. Strutt, Maunsell, Bruges, Plumptre, Duffield, Dimsdale, and others, from a great number of places, for Church Extension.—By Lord Albert Conyngham, from Canterbury, in support of the Privileges of the House, and for Municipal Reform in the City of London.—By Mr. Maunsell, and Alderman Humpheries, from two places, for the Liberation of the Sheriffs.—By Colonel Conolly, from Raphoe, for an Alteration in the Laws of Church Patronage.—By Lord Cole, from Middlewick, against any further Grant to Maynooth College.—By Mr. Fitzpatrick, from a place in Queen's County, for an Extension of the Franchise, and Corporate Reform to Ireland.—By Sir H. Parnell, and Sir George Strickland, from several places, for the Total and Immediate Repeal of the Corn-laws.—By Sir G. Sinclair, the Attorney-general, and Mr. Colquhoun, from Edinburgh, and several places, against the Intrusion of Ministers into Parishes contrary to the wishes of the Parishioners.—By Mr. Grote, from Northampton, for the Abolition of Church Rates, and the Release of John Thorogood.—By Mr. Dennistoun, from Glasgow, and Mr. T. Duncombe, from Clerkenwell, for a Free Pardon to the Convicts Frost, Jones, and Williams.—By Mr. Litton, from Dublin, against Corporate Reform.

Prince Albert's Answer.] Lord *Seymour* brought up the answer of Prince Albert to the Message of congratulation delivered to his Royal Highness yesterday from the House of Commons. The answer was as follows:—

"I return the House of Commons my warmest thanks for the message which you have now delivered. I learn with lively satisfaction their approbation of the choice her Majesty has made, and it will be the study of my life to justify the favourable opinion which you have expressed."

Sale of Beer.] Mr. *Pakington* moved the second reading of the Sale of Beer Act Amendment Bill. In doing so he was bound to state the views which he entertained upon the subject, and he hoped the House would believe that, in again pressing upon Parliament the consideration of that subject, he was actuated only by a sincere desire to provide a check to the unfortunate and pernicious system which, most notoriously, and in the sight of all, in every town and county, was undermining the morals and sapping the virtue of the artisans and labourers throughout the country. He agreed with what had been said by an hon. Member opposite, that the bill was one which ought to be in the hands of the Government. He was convinced that its importance was such that it could not be carried with advantage in the hands of a private Member, and especially of one so humble as himself. He had endeavoured to persuade the Government to take it up. He had requested the right hon. Gentleman (the Chancellor of the Exchequer) to take the matter into his own hands; but the right hon. Gentleman declined to do so, and professed to hold different views upon the subject from those which he entertained. He therefore had no alternative but to introduce the present bill, in the hope of in some degree remedying evils the extent of which were not to be disputed. He would not, on this occasion, detain the House by going into any extensive proofs of the crying necessity that existed for legislating on the subject. He had detailed those proofs at some length last session, and he thought it unnecessary to do so again after what occurred in the House on that occasion. He had then also stated fully the reasons which induced him to propose that measure, and the occurrences which had since taken place throughout the country rendered it needless to occupy any time with the repetition of them. The bill of which he now proposed the second reading was in most respects the same with that which he had introduced last year. He did not succeed last year in carrying the bill he had brought forward—he was obliged to withdraw it; but although he did not succeed he considered the result of what had taken place in that House and another place had placed the present question in a very different position from that in which it was when brought forward last session, because both Houses of Parliament had admitted that the evils of the beer-shops were great, and that some legislative measure was necessary. In that House the principle of the measure he had introduced was admitted on both sides, and by her Majesty's Ministers, but they could not concede the details. These reasons induced him not to enter so fully into the subject as he had done on a former occasion; but there were two points connected with the subject which had arisen since last session which he wished to allude to, and which would go far to strengthen the case he had to maintain before the House. Those two points were, first, the circumstance of the late rebellion in Monmouthshire, and how far the beer-houses had been the cause of it; and next, certain observations and opinions of the noble Lord the Secretary of State for the Colonies. In consequence of the disturbances that had taken place in Monmouthshire, he had thought it his duty to obtain certain returns with respect to public and beer-houses in that county, and from those returns he found, that in Aberystwith, with a population of 6,000, there were 41 beer-houses, in addition to the regular licensed houses. In Pontypool, in which there were nine parishes, and 14,000 inhabitants, there were no less than 229 houses for the sale of intoxicating liquors; and in Duke's Town, which had been the chief seat of Chartism, the results were nearly the same. He did not know the population of that town, but the number of houses altogether was 151, and of these there were 5 public-houses and 28 beershops, making 33 houses for the sale of intoxicating liquors, or one house in every five being either a public-house or a beer-shop. No doubt he might be told that if the people were disposed to rebel, whether there were beershops or not, these disturbances would have taken place; but no man could deny, that they held out great temptations and opportunities, and he would add that, with two exceptions, all the Chartist meetings and lodges had been held in beershops. He would ask whether it could be considered essential to the comfort, the welfare, and the rational enjoyment of the working classes, that every fifth house should be a beershop or a public-house? The second point to which he wished to allude was the statement made by the noble Lord, the Secretary for the Colonies, viz., that the present system of beershops was injurious to the interests of the country, and that he looked for a remedy, not to legislation, but to an improved system of police. He had stated on a former occasion that he thought the Government had conferred a great benefit on the country by the improved police system which they had introduced; but he warned them, and he warned the noble Lord, not to expect from that improved system of police a degree of benefit it was never likely to confer. It was absurd to place the youth of both sexes in positions where their minds would be contaminated, and where they would be brought into daily and hourly intimacy with poachers, drunkards, prostitutes, and thieves, and then to say, if they transgressed the law, there was a police to punish them. In his opinion, prevention was better than cure. He would now proceed to mention the provisions of his bill. It had been strongly urged by many persons to bring forward a measure for the total repeal of the existing Beer Laws. Others had urged him to do that of which his noble Friend the Member for Liverpool had given notice on a future stage of that bill, namely, to prohibit totally the sale of beer for consumption on the premises. He had refused to do either. He had no wish to restore the monopoly of the brewers, nor to return to the exclusive licensing system which was in existence before the passing of the Beer Act. He thought it would be better to get rid of the worst part of the present system without returning to the old one. The principle on which he proposed to proceed was, that no one should be allowed to sell intoxicating liquors unless they were possessed of a property qualification sufficient to guarantee in most cases their respectability. He had last year proposed two classes of ratings for qualification. The first class of rating was 18*l.* for large towns and 10*l.* for the country districts. It had been objected to this proposition that 10*l.* was too high a rating for the country districts. He had admitted that it might appear high for some country districts, but over and above the city districts there were large populations—as, for instance, in Monmouthshire, where there were no large towns and no municipal authorities. In these districts he did not think 10*l.* too high a qualification. In the present bill he should propose three clauses of qualifications instead of two, and he thought he had reason to complain of the conduct of the Government last year, when they proposed certain amendments to his measure, that those amendments had been proposed without any knowledge whatsoever of the subject. A qualification of 15*l.* had been proposed for the metropolis; they ought to have known that that would hardly have touched a single beer-house; 10*l.* had been proposed by the Chancellor of the Exchequer as the qualification for cities and towns. The right hon. Gentlemen were unaware that that had been the law of England for eight years, and had been found totally inefficient. He had proposed, in the third place, a qualification of 5*l.* for the rural districts; such a qualification was a mockery, and worse than useless. His wish was to avoid both extremes, and he should, therefore, propose 15*l.* for cities and towns, and 12*l.* for districts where there was a population of 2,500 persons. He could confidently assert that he had the support of all classes of the magistrates of the country—of all parties in favour of his measure. Not only were the magistrates of towns and the county magistrates in favour of the bill, but the magistrates of the new corporations were also zealous supporters of it. He implored the House, therefore, to give that effect to the wishes of the magistrates of England which they had a right to expect. The hon. Gentleman concluded by moving the second reading of the bill.

Mr. *Warburton* said, that it appeared to him that the course pursued by the hon. Member with respect to this bill was liable to a preliminary objection. On the 9th of April, 1772, a standing order was established by the House, declaring that no bill relating to trade, or the alteration of any law affecting trade, should be proceeded with until it had first been considered in a committee of the whole House. The question then was, did the present bill relate to trade? It might be said, that this objection was not taken in time, as the bill had been brought in; but he could refer to the Irish Church Bill, where the same objection was taken after the bill was brought in, and the bill was withdrawn because there was also a standing order that all bills relating to religion must be considered in committee of the whole House. A new bill was afterwards brought in, and proceeded with according to the standing order. The reason of these standing orders was, that such bills went to affect great bodies of the people, and every opportunity should be afforded to discuss them, which could only be in committee, where Members could speak as often as they pleased. Now, the present bill undoubtedly affected a great body of the trading interest of the country. There were 50,000 beersellers in England, with their families depending upon this trade. He would not now go into the merits of the Bill, but would move as an amendment, "that the present bill be withdrawn, as it proposes to alter a law relating to trade, and had not been considered in a committee of the whole House, as required by the standing order of the 9th of April, 1772."

Mr. *Hume* rose to second the amendment, as he was anxious to support the standing orders. He thought it would be better at once to appeal to the Speaker on the question. These standing orders ought not to be considered useless, and great jealousy ought to be exercised by the House in respect of these rules and regulations passed for the purpose of extending to the community every opportunity of becoming acquainted with every measure affecting the trade and taxation of the country. By the bill, the second reading of which was proposed to the House, the revenue would be materially affected. He had seen several bills irregularly passed through the House, but when a blot was found in the course of their proceedings, especially upon so important a subject, involving, as it did, the interests of a numerous class, it was the duty of every Member to object. His objection to the bill, then, was upon a standing order of the House, which declared that no bill affecting the taxation or trade of the country should be introduced without having been previously submitted to a committee of the whole House. By the returns which had been laid upon the table of the House on the 2nd of February, 1839, no less than 45,394 persons were engaged in the sale of beer throughout the country, who would be affected by the bill. The revenue would be also materially affected, because the income of the Exchequer from that source alone amounted to 133,775*l.*, whereas the income from the licensed victuallers throughout the country amounted only to 95,000*l.* The Chancellor of the Exchequer, if he (Mr. Hume) had not objected, would object to the present course of proceeding, and it was for the House to say, whether, under such circumstances, and in direct violation of the standing order, they would feel themselves warranted in proceeding with the bill.

Sir *J. Graham* begged to state, before the Speaker gave an opinion, that he was at least as sincere as the hon. Member for Kilkenny in a desire that the orders of the House should be maintained, and he by no means undervalued the importance of the present question or the interests at stake, and he thought that if a strict rule could be applied, the magnitude of the subject warranted its application. But the question was, did the rule strictly apply. He wished to call to the Speaker's recollection that within the last eight years the House had twice legislated on this very subject; and he had before him the Journal of the 8th of April, 1830, by which he found that the hon. Member for the University of Cambridge introduced a Bill proposing to make an alteration in the trade to a much greater extent than that which his hon. Friend the Member for Droitwich proposed. The bill of his right hon. Friend (Mr. Goulburn) was introduced, not by a resolution of a Committee of the whole House, but on the 8th of April, 1830, "leave was given to bring in a bill permitting the general sale of beer by retail in England." Mr. Goulburn, the Chancellor of the Exchequer, and Lord G. Somerset were to prepare and bring it in. He had thought it right to bring those circumstances under the observation of the Speaker before the decision of the Chair was pronounced.

Mr. *Baines* said, that as this was a measure affecting the public revenue by the imposition of duties for licences, it was necessary, that it should, in the first place, receive the sanction of a Committee of the whole House. The Irish Church Temporalities Bill, in 1833, was a case in point. That bill had been read a first time, when it was objected that it ought to have originated in a Committee of the whole House, and a Select Committee having been appointed to search for precedents, that Committee of which Lord Althorp was chairman, reported that any measure imposing a burthen or charge on any class of people must first be discussed in a Committee of the whole House, on which the bill was withdrawn, and another bill was introduced on the resolution of a Committee of the whole House.

Mr. *Goulburn* rose amidst cries of "Chair, chair." He said that the hon. Member for Leeds had not rightly stated the case as respected the Church Temporalities Bill. That bill had in the first instance been referred to a Select Committee up stairs, but after that, in consequence of its being regarded as a bill to tax the clergy, it was thought expedient to refer it to a Committee of the whole House. The consideration in that case was different from the objection made to the bill of the hon. Member for Droitwich.

The *Speaker* thought that in the case of any standing order of the House they should put a liberal construction on the words of it with respect to the introduction of a bill. The question then was, whether this bill came within the common course of legislation, or whether it came within the range of the standing order of the House respecting measures regulating trade; and if the latter was the case, whether the measure should not have been commenced in a Committee of the whole House? There were certain recent precedents which had been referred to. In 1830, a bill on the same subject as the present had been introduced, without having originated in a Committee of the whole House, but the circumstances connected with that bill had been explained by the right hon. Member for the University of Cambridge. Two measures were referred to, as having occurred in 1833, the first of which had been introduced, and afterwards withdrawn, by Lord Althorp, and again originated in a Committee of the whole House; and the second measure which also referred to the sale of beer, was founded on the resolutions. If he were called upon to give his interpretation of the rule of proceeding, and its application in this case, he felt bound to say, that he thought that the measure should have originated in resolutions being proposed in a Committee of the whole House, and that the bill should have been founded on those resolutions.

Mr. *Pakington* said, that after what had fallen from the Chair, he should not hesitate as to the course that he should pursue, but should at once withdraw the measure. He could not, however, help complaining of the want of courtesy on the part of the hon. Member for Bridport, in not having informed him of the want of regularity in the introduction of the bill. He never recollected such a want of courtesy before on the part of one Member of the House to another.

The *Speaker* was sure that the hon. Member must see how advisable it was for him not to pursue his present observations.

Mr. *Pakington* would at once bow to the chair, and would withdraw the bill, but at the same time gave notice that he would to-morrow move, that the House resolve itself into a Committee, to enable him to propose resolutions on which to found a bill similar to the present.

Bill withdrawn.

Copyright Bill.] Mr. *Sergeant Talfourd* moved the second reading of the Copyright Bill.

Mr. *Warburton* said, that he would

offer the same objection to that bill which he had done to the bill which had been just disposed of. He had been informed that the House had that evening received a petition from a number of booksellers and publishers who were largely engaged in the trade, and in his opinion the bill before the House affected the rights and interests of these individuals. He would then ask, as on the prior occasion, if that was not a bill concerning the trade of booksellers and publishers, whose occupation was emphatically called the "trade." Did not that trade include a numerous class of individuals who were likely to be affected by the bill, and whose commercial interests were deeply involved in its principle and details. His objection then was identical to that made to the beer bill already withdrawn, and consistently with the standing order of 1772. He would request the hon. and learned Member for Reading to withdraw his bill and initiate another in a committee of the whole House, when the matter would be fairly discussed, and the interests of the parties on both sides fairly weighed. The hon. Member moved accordingly.

Mr. *Hume* put it to the House to say if there was anything to which they should look with greater jealousy than to bills affecting the interests of thousands and millions of individuals. He would contend that every bill which passed that House affected the property of some class or other in the empire. There was, however, a provision made by the standing rules that every person affected by a private bill should have the greatest protection, by notice, to guard him against surprise; it was, therefore, essential that the House should be particular in requiring a Committee before a bill involving paramount interests should be brought in. The bill before the House was one affecting trade and trading; and though there was not any particular precedent to apply, yet he hoped that the House would see the propriety of making the rule general, and that they would not withhold from the public the discussion in a Committee of the whole House on a question affecting the interests of the public at large. He would, therefore, support the amendment of his hon. Friend the Member for Bridport.

Sir *James Graham* could not help being highly amused at the eagerness of the hon. Gentlemen opposite to throw impediments in the way of large and legislative changes, though he hailed it with great satisfaction, and was ready to join with them. He would request the House to permit him to say that, having yielded in the former case to the decision of the Chair, and concurring as he did in the wisdom and policy of that decision, he could not but think that the construction sought to be put upon the standing order in applying it to the bill before the House was a strange construction. In the former case large trading interests were concerned; in the present case no such large interests were affected. The policy and principle of the bill before the House did not affect the property of booksellers. He understood that it did not interfere in the slightest degree with the sale of the books; but that its object was to protect authors. It might be said to interfere indirectly with the sale of books; but it was not the policy of that measure to affect any individual interests. It would then be a strange construction of the rule indeed if the precedent sought to be established were to apply in the present case. A virtual obstruction would occur to the proceedings of Parliament by reason of the length of time which every legislative measure would necessarily occupy in progressing through the several stages through which it must necessarily pass. He considered the objections taken by the hon. Members opposite an unfair opposition to the Bill.

The *Speaker* said, that the Standing Orders of the House were intended to have a direct, and not an indirect, application. The bill before the House was not of the former character, and he thought that the Standing Order did not apply in the present instance.

Mr. *Warburton* would then move, that the bill be read that day six months, and he felt justified in applying to the present bill the same character which he applied to the bill brought in the last Session, and to the previous bill introduced by the hon. Member for Reading, who consulted the interests of authors and publishers, but who threw out of his consideration the interests of the public. In the arguments employed by the learned Sergeant and by others, a comparison had been drawn between the protection given to patent rights and copyrights. It was said, that the inventor of a mechanical invention did not obtain equal protection as an author—that the invention was a stage between the inventor and the public—that the patent was considered a stop to the success of the improvement of the thing invented. As the hon. and learned Member acquiesced in the objection to the continuance of the patent in the case of mechanical inventions, he deserted the very principle of his own bill. His principle was founded upon this—that the author was an inventor—that he had an indispensable right to his invention from the time of its being invented to a future time, and if his dominion over his invention was curtailed, and if it did not extend to a future time, a gross injustice would be committed—that such curtailment would be contrary to justice and to right. How was the invention of a mechanic less the invention of his mind and knowledge and understanding than that of an author? If the literary man was an inventor, was not the mechanic an inventor also? Were not the inventions of Harrison, who made timekeepers what they are, and of Watt the great parent of the steam-engine equally the works of their minds as the works of authors? Was not the invention of the extraordinary machine for making cables, which he understood was devised by Captain Hutt, in his voyage from the East Indies without the assistance of machinery of any kind, equally the production of that gentleman's mind as the works of an author? If a qualification was necessary in the case of a mechanical invention, for the interest of the public, why not apply a similar qualification to an author's invention? The hon. and learned Member for Reading admitted, that in the case of a mechanical invention the original right of the inventor was not to be considered, but the House was to take care of the interests of the public in rescuing the privileges or patents for mechanical invention from perpetuity, which was the identical object sought for authors by the hon. and learned Member's bill. A bill had been recently introduced into the House to alter and amend the law respecting the copyright of calico-printers. That bill comprehended other interests also, but the application of the bill to printers would supply the illustration he wanted. The design of the printer was an original invention, and capable of improvement equally as well as the author's. What was the existing law with respect to designers? By the existing law, designs had a protection of three months only, and by the bill which was introduced, a protection for twelve months was all that was asked for, which was considered too long a time, and which it was proposed to limit to six months. The House had granted a committee of the whole House to consider whether those designs should be protected for six or for twelve months, and the hon. and learned Member for Reading attempted to extend the copyright of an author sixty years beyond his death, which might be considered equivalent to a protection for a hundred years. So great was the difference then between the invention of a poor mechanic and the work of an author. Why was that? Because, there were in that House authors and their friends. It was a genteel thing to be an author, and for that reason they found protection in that House. The bill was, in reality, an author's bill, and such a bill as a baker, a butcher, or a shoemaker would make for his respective trade, if each of them had the power to legislate for his individual craft. The justice which the hon. and learned Gentleman meted out in his own case was different to the justice meted out to mechanical inventions. Upon the ground of public benefit, the learned Sergeant abridged the privilege of the mechanic, but when he applied the principle to his own trade, he resisted all abridgment. There was another objection which he had a right to make to the bill. It had been introduced for discussion in a very scanty House. The Whigs of former times did not recognise the principle of such a bill as that before the House. In 1774, when the famous case of Donaldson had been decided in the House of Lords, by which decision it was determined that not any perpetual copyright at common law rested in booksellers and publishers, those bodies came down to the House of Commons, and by their petitions asked the House to give them a perpetual copyright, which, by the decision in the House of Lords they found they did not possess at common law. A bill was, in consequence, introduced, and many Members of high character took part in the debate. Mr. Burke took one side and Mr. Fox took the other. Mr. Fox, upon that occasion, characterised the bill in these words:—"I could not permit so pernicious and flagrant a bill to pass through any stage without giving it my decided opposition." In every stage of the bill, Mr. Fox was a decided opponent, and he complained that the bill passed through some stages when there was a very scanty House to divide upon the question. The bill then before the House was similarly situated to that opposed by Mr. Fox, so far as the paucity of Members to discuss it was concerned. It was also marvellous that the friends of education in that House did not oppose the introduction of the bill of the hon. and learned Gentleman. It was of sovereign importance to educate the people by every means, and this was a bill which would have the effect of cramping and controlling that very education which many Members of that House had declared it necessary for the Parliament to confer, especially upon the working classes. The House, by permitting the second reading of this bill, was virtually encouraging dear editions of books. By passing the bill the House would adopt a measure which they would find it impossible to undo, and inflict an injury upon authors and publishers. The whole literature of the country would be thrown into Chancery, or into the Courts of Law, and actions would be every day occurring, and complaints every day made that copyrights had been infringed. They would have authors claiming a right to works which had long been out of their hands, and which had been repeatedly published since they had parted with them. He, therefore, thought that, even for the interests of authors themselves, the bill should not be allowed to become law. The bill, he believed, would merely be an advantage to publishers, who would thus renew the monopoly which they possessed in former times. He found that, in the last century, the exclusive sale of particular books was claimed by certain booksellers; and that, by an arrangement among the trade, country publishers who printed the same works were subject to prosecutions without end. He found that the publication of such works as "The Whole Duty of Man," and Bunyan's "Pilgrim's Progress," had been usurped by a few. He did not wish to see such a state of things return, and he would consequently give every opposition in his power to the bill. He felt, however, that the question could not fairly be discussed with such a House as he had then to address, while there was not, perhaps, sixty Members present in all. He did not know a bill of greater importance than that under their consideration, and he thought that it should be brought on before a fuller House than he then saw assembled. He did not wish to oppose the bill by any of those proceedings which he had recourse to on former occasions, if the matter should be fully discussed; but with a House such as the present, he thought himself justified in offering the measure all the opposition which he could. He did not say that for the purpose of intimidating the hon. and learned Gentleman, but in order to inform him of the course which he intended to pursue. He would move, as an amendment, that the bill be read that day six months.

Viscount *Mahon* said, that he did not understand how the hon. Member for Bridport could conceive that the present state of the House was fairly to be imputed as an objection, either to the promoters of the Bill, or to the Bill itself. They had found it necessary to choose a Wednesday for the discussion of the measure, as Mondays and Fridays were occupied by Government, and Tuesdays and Thursdays by motions of other Members. Unless, therefore, the hon. Member for Bridport wished the House to sit on Saturdays and Sundays, or unless he could devise an eighth day in the week, he (Lord Mahon) did not see how the promoters of the Bill could have followed a different course from that which they had taken. He would pass, however, to the discussion of the question. The hon. Member for Bridport had said more than once, that the Bill was only an author's Bill, and he believed the hon. Member had added, that it had been devised without any reference to the public interest. Now, he could not allow that insinuation to pass without reply. For his own part, he was not ashamed of the interest which he took in the measure. He found himself born to an inheritance of wealth, and he found at the same time with pain, that others, who were far superior to him in merit, industry, and reputation, were far below him in the accidental gifts of fortune—he found men, who were an honour to their country, subject to wants and privations which such merit ought never to have known. The object then of the Bill was this, to give these eminent men full scope for their talents, and to enable them, by their own exertion, to obtain that competency which he and others possessed, without any merit of their own. And was this a feeling of which they had cause to blush? Was this a course which should provoke the taunts of any hon. Member? But if the hon. Member for Bridport thought that it was merely an author's Bill which they were supporting, he was very much mistaken. There were many booksellers who deeply sympathized with authors upon this question; and as one instance of this, he might allege a petition from Mr. John Smith, a bookseller of Glasgow, some extracts from which petition, he would take the liberty of reading to the House. The petition, dated February 22, 1839, stated,

"That your petitioner has for upwards of thirty years exercised the profession of publisher and bookseller in this city, which profession had previously been carried on by his grandfather and father in the said city of Glasgow. That your petitioner has obtained estate and competence by the sale of books, published or sold by him, which property he has a right to entail or give in legacy for the benefit of his heirs, while the authors who produced the works which have enriched him, have no interest for their heirs by the present law of copyright in the property which they have solely constituted. That your petitioner is decidedly of opinion, that the cultivation of the national literature would be cherished and strengthened by the proposed extension of the term of copyright. Your petitioner therefore humbly prays that the bill to amend the law of copyright now before your hon. House, may pass into a law."

Surely it was highly creditable to Mr. Smith to entertain so deep a sympathy with those whose intellectual exertions had been the cause of his wealth. But this measure did not rest on the support of any one man, or of any one class of men. It stood on high and public grounds. Looking to past ages, as a guide to our future career, was it not evident that the literary genius of the country required some fostering aid? How many great works must have been lost to the nation through the *res angusta domi*, which fettered the energies of those who otherwise would and could have transmitted greater and more enduring memorials of their genius to mankind? Dryden himself had left on record, in a letter to the Earl of Dorset, that the necessity of writing for his daily bread, prevented him from undertaking a great national poem on the exploits of Arthur and his knights, which he had long contemplated, but which his necessities compelled him to forego, so that he continued painfully earning a subsistence by writing lewd plays for a profligate court. Take another instance—that of Milton. Is there any Englishman but feels prouder of the name, from being the countryman of him who wrote Paradise Lost? Who does not forget all his errors in religion, and all his misdeeds in politics, when he reflects on that mighty genius which could soar without irreverence into the very counsels of the Most High—

"Into the heaven of heavens he has presumed
An earthly guest, and drawn empyrean air."

Was not that the universal feeling towards Milton in this House, and in this country? Well, then, would the House wish to know how this admiring country had rewarded that illustrious poet? Would they wish to know the fate of Milton's last female descendant? Let them hear the account of his grand-daughter, as given by Dr. Johnson, in his *Life of Milton*:—

"She kept a petty grocer's or chandler's shop near Shoreditch. In 1750, *Comus* was played for her benefit. She had so little acquaintance with diversion or gaiety, that she did not know what was intended, when a benefit was offered her. The profits of the night were only 130*l*. She and her husband then augmented their little stock of grocery, with which they removed to Islington; and this," adds Dr. Johnson, with natural feeling, "this was the greatest benefaction that *Paradise Lost* ever procured the author's descendants!"

If then such be our feelings towards the great poets of the past, why should we not legislate in that feeling towards the great poets who may yet arise amongst us? Why should we not hope that a new Dryden or a new Milton should appear in England? The field of poetry is surely not exhausted. The birth of genius is surely not impossible.

It was beautifully said by him, whose genius shed its beams on a humble country churchyard—

"Some mute inglorious Milton here may rest."

The object of this bill was to provide that no future Milton should pass away mute and inglorious; that such an one should be rescued from the daily drudgery of providing in some other profession for his children's bread; and that he should be supplied with the natural motive and natural reward for exertion; namely, that the harvest of his toil should hereafter be reaped by his children. It had been argued that the love of fame was sufficient motive, and that the attainment of fame was sufficient reward. He (Lord Mahon) did not deny the power of that motive, or the brilliancy of that reward. But he would ask, did they apply that rule in other cases? Did they tell Arkwright when his genius invented a machine that should give employment and bread to tens of thousands, that his fame should suffice for his reward, or did they enable him to bequeath a princely fortune to his heirs? Did they tell Marlborough when returning from the victorious field of Blenheim, that he had no further claim upon them? No, they bid a palace arise, commemorating in its splendour and its name, a hero's merit, and a nation's gratitude. Did they tell Mr. Canning when his health was failing under the labours and anxieties of the public service, that only the fame of that public service should belong to his family? No, the Crown bestowed a peerage on his widow, and this House, with emulous admiration, voted a pension to his son. Why then with writers alone, attempt to dissever the two gifts of fame and fortune? Why, then, should literary men, and literary men only, be confined to the empty honours of celebrity? He asked for authors only this—give them what is their own—give them what their own brains have conceived, and their own right hands have written—give them by legal enactment what they already hold by every moral right. But he would now come to the objections against the bill, which all resolved themselves into one—that it would make books dear. Now he would mention a fact which proved that the existence of copyright did not in all cases, enhance the price of standard works. A beautifully printed edition of Lord Byron's poems might be bought in this country for 20*s.*, while a similar edition published in France, where there was no copyright in the work, cost the very same sum, 25 francs. But even further—paradoxical as it might seem—it was undoubtedly true, that in some instances where copyright existed, books could be sold even cheaper than where there was none. This applied to works of great popularity, and requiring a large number of editions, some in one size and some in another—some with large type and some with small—so as to meet the various tastes of purchasers. Now, if a work of this kind were illustrated with many expensive plates or maps, then it might be published at a cheaper rate by a bookseller who had the exclusive right of issuing it, than by several, who would each of them be obliged to incur the expense of having a separate set of plates engraved. It was therefore not clear, that the price of works was in all cases enhanced by the existence of copyright, but even when it is so, would any person, fired with admiration by the glowing strains of some second Milton, or some modern Shakspeare, grudge the additional shilling or sixpence, resulting from the copyright being extended, provided he knew that thereby the heirs of those illustrious writers would be enriched? Therefore, in works not of established character, the price would not be enhanced, the bill not applying. And in books of the highest class, the readers would never object to paying a little more for their copies, to benefit the offspring of authors who had achieved a deathless fame. Again, to elevate the public taste was a noble object, and one which every Legislature should anxiously encourage. The present system of legislation was admitted to afford encouragement to light and ephemeral works, in preference to those of a more elevated character. Far be it from him to depreciate the merit of those who cultivated the lighter class of literature. He should be sorry to pluck a leaf from their laurels, but ought not the House to make it the interest of others, to seek a permanent rather than a present advantage—ought they not to hold out some inducement to them to look beyond the present day, and appeal to the tribunal of posterity? He was aware that some ridicule might be thrown on what he suggested—that it might be said that an appeal to posterity was only made by authors who could make no impression on the present day; but the question was, whether that was not the object which had inspired writers who had produced the greatest works? The question was whether great service had not been done at different periods, by protesting and striving against the taste of the age—against the Euphuists for instance, as they called themselves under Elizabeth—or against the French school of writing in the days of Charles 2nd. That was his view, and on that view he thought the present bill deserved the public support. There was one other branch of the subject to which he would advert. It was important he thought, to consider what had been the recent legislation of foreign states, with respect to copyright: for if it appeared that their legislation had, for the most part, been tending to the same point, and running in the same direction, as were urged in the present bill, it would surely be a strong proof, or at least presumption, that those principles were the most conformable to the general growth of knowledge, and to the present spirit of the age. Now, on this foreign legislation a great deal of information had lately been acquired and collected in a valuable pamphlet by Mr. Lowndes—a pamphlet worthy of the greatest attention. To begin with the northern states, it appeared from Mr. Lowndes's book, that in Denmark and in Sweden the copyright of works had been made perpetual. In Russia, the law of 1830 granted a copyright for the term of twenty-five years after the author's decease, and for a further term of ten years, if an edition should be called for within five years before the expiration of the first term. Therefore, it being admitted that the legislation of copyright was intended only for works of merit and of growing reputation, this was the same as granting copyright absolutely for thirty-five years. It appeared, then, that the three northern Powers which we generally considered so far behind us in literary eminence, had yet very far outstripped us in their zeal for literary protection and endowment. To pass from Russia to a country which had lately grown into favour with Members opposite—liberal Spain—it would be found that the law was very uncertain as to its meaning; because, as might be presumed, no works of permanent interest were now produced to try it; but, according to the opinion of M. Victor Foucher, on a law of 1805 in the *Nuevissima Recopilacion,* copyright was thereby made perpetual. In Prussia a law had very recently been passed for a considerable extension of copyright. The law of July 11, 1837, secured it for the author's life, and for thirty years, to be reckoned from his death. Formerly in that country, copyright did not descend to the author's heirs, except by an express agreement. Austria had done little more than to declare by an imperial edict of 1835, that she would adhere to the proceedings of the whole Germanic Diet on this subject. What, then, had been the proceedings of the German Diet? As might be expected from the composition of that body, slow, perplexed, and inconclusive. So early as June 8, 1815, it was resolved,

> "The Diet shall take into consideration at its first meeting some plan for uniform legislation on the liberty of the press, and also what steps are necessary to be taken to secure authors and publishers from invasion of their copyrights."

But the fruits of this "first meeting" were still to come. There had only been after twenty-two years (November 9, 1837) a sort of convention for international copyright amongst the different states, and for a period of copyright to authors of ten years, or in some rare cases of twenty. But this was admitted to be merely a temporary regulation. The whole subject was to be again discussed and decided upon by the Diet in 1842. With regard to France, the law now in force was a decree of Napoleon dated February 5, 1810, which granted copyright to an author for his life, to his widow for her life, and, after their death, to their children for twenty years. Where an author left a widow and family, this law was, probably, more advantageous to him than our English term of twenty-eight years absolutely. But the French law, like ours, was considered unsatisfactory on account of the shortness of the term. A commission was appointed in 1825, headed by M. Delarochefoucauld, and another in 1837, headed by the Comte de Segur; both recommended an extension of copyright to fifty years, after the death of the author, and it was probable that the subject would speedily be brought under the consideration of the Chambers. Lastly, the example of the United States was not to be passed over. Legislation on that subject in Congress began in 1790; but the act now in force, passed on the 3rd of February, 1831. It gave a copyright to an author for the term of twenty-eight years, and if he survived that period, for a further term of fourteen. But it was very remarkable that the report of the Judiciary Committee appointed in that year, pointed to a further and very considerable extension of this boon to authors. The report stated—

> "Your committee believe that the just claims of authors require from our legislation a protection not less than what is proposed in the bill reported. Upon the first principles of proprietorship in property, an author has an exclusive and perpetual,"

Observe the word "perpetual,"

> "right in preference to any other to the fruits of his labour. If labour and effort in producing what before was not possessed or known will give title, then the literary man has title perfect and absolute. We ought to present every reasonable inducement to influence men to consecrate their talents to the advantage of science."

Mr. Lowndes added

> "An amendment of the law of 1831, by a further extension of the term of copyright is much talked of in America."

All this might be taken as indicating a strong current of public feeling in favour of such a measure as this. Sir, said the noble Lord in conclusion, it is but seldom that this House has any opportunity of doing any acts of grace and generosity. Our more painful duty is to retrench, to curtail, to object. I do not deny the duty, or tell you that it should be less strictly exercised, but surely this consideration may incline us, on a right and becoming occasion — with justice and policy arrayed together—to show some degree of liberality towards a large and not undeserving body of men. In their name I venture most earnestly to appeal to this House. Believe me the report of your proceedings to-night will be watched with deep anxiety by many a mother sorrowing for the future fortunes of her children, by many a writer whose eye-sight perhaps has failed in long labours for the cause of knowledge, and whose declining years are saddled by the thought that his works—the labours of his life—are all he can bequeath to those he loves, and that even those works you will not allow him to call his own. This is no imaginary picture—even to the remotest districts of the kingdom—even among the hills of Cumberland—will your decision of to-night be most anxiously awaited. Why should I be ashamed to own that such men as Mr. Wordsworth, or Mr. Southey, are not altogether as independent in circumstances as they are in mind? With regard to Mr. Southey—to mention in passing one only of his many claims to the admiration of his countrymen—it is stated by Dr. Walsh in his travels to Brazil, that the inhabitants of that vast empire possess of their own early history no other record than is drawn from professed translation or abridgment of the work of Mr. Southey. I believe no other instance has ever been known, where a great country is indebted for its history to the labours of a foreigner who never set foot upon its soil. But then it is answered, these eminent men are only single cases, and we ought not to legislate for single cases. Yet, surely when you provide rewards for an eminent station—for a Lord Chancellor—or a Commander-in-chief for instance—you provide for the whole public, who may attain that station. The path of honour is open to all, and is not so narrow, but that more than two or three may go abreast. On these grounds then—on large, on liberal and public grounds — for the fostering of future genius — for the reward of by-gone labours — I earnestly entreat the House to pass the present bill.

Mr. *Strutt* concurred in the opinion, that a measure of this kind ought not to be discussed in so thin a House. But he did not think, that the hon. Member for Reading was blameable on this account, for the present rules and regulations of the House scarcely admitted of any other course than the hon. and learned Member had taken. He thought it was unfair to suppose, that those who opposed the present bill were opposed to copyright altogether. So far as he was concerned, he considered copyright to be of great importance, and not merely of advantage to literary men, but likewise of great advantage to the public. The House, however, had not as yet sufficient information before it to enable the Members to legislate as it ought upon this important subject. Many facts required to be disclosed ere they would be placed in such a condition as would enable them in any bill they might agree upon to do justice between the reader and the author, between the bookseller and the public. He thought, that the hon. Member for Reading overlooked the interest of the public when he said, that the author had an indefeasible title to property in the books which he produced. He denied, that property was but the creature of law, and existed only so far as in its widest sense was considered to be for the good of the public. He denied, that there was any analogy between copyright and the ordinary existence of property. The hon. and learned Member had on a former occasion contended, that men were entitled to property in that which was the work of their own hands. Why, so they were; and that title was respected in every country where the author was paid the price of that property. But the learned Sergeant now sought to prevent the persons who purchased that property from copying that for which they had paid their money. He contended, that there was an analogy between patent rights and copyright, but in both cases the interest of the public was to be considered. The case of Sir Richard Arkwright had been referred to; but in the present state of the law his patent right only extended for fourteen years. At the end of that fourteen years Sir Richard Arkwright applied to Parliament for the extension of his patent for a further term of fourteen years, which was granted him. But he was not able to substantiate his patent in a court of law, so that, in point of fact, Sir Richard Arkwright got less protection for his invention than that which in the present state of the law was afforded to authors, namely, a period of twenty-eight years. The noble Lord who had last addressed them had contended that, in many instances copyright would have a tendency to make books cheap. Now, since the time of Adam Smith, he thought that it had been always considered, that monopoly was the parent of dearness and scarcity. If they admitted the noble Lord's principle, that monopoly was a cause of cheapness, then they must reform their entire commercial legislation, which was based on a contrary principle. He had a list in his hand of the comparative prices of standard works during the existence of the copyright, compared with the prices at present. The hon. Member read a list of the comparative prices of former periods, as compared with the present, of the works of Hume, Gibbon, Robertson, Bishop Horsley, Dr. Blair, and others. It appeared, that in many cases the present prices were less by more than one half. This was enough to show what was the practical effect of copyright. He was not opposed to the extension of copyright within certain limits. He thought, that there ought to be a power somewhere to meet particular cases. He would wish to see the question properly considered, and he thought it might be advantageous if a power were vested in the Privy Council to extend the term of copyright in certain cases. He (Mr. Strutt) admitted, that there were some inconveniences in the present law. It was extremely inconvenient, that the copyright should terminate exactly at the death of an author. He might be just then contemplating a new edition of his works, and it was very hard, that his family should be deprived at the same time of the benefit of such an addition, and of him who was their chief support. He should be happy to see this question referred to a committee, for the purpose of inquiring, not how a perpetuity could be given to authors, but how the law of copyright could be best altered so as to obviate this inconvenience, and promote the advantage of th public at large. If the present bill were thrown out, he should be ready to support a motion for such an inquiry.

Sir *R. H. Inglis* claimed a vote in favour of the motion of his hon. and learned Friend the Member for Reading from the hon. Member for Derby, inasmuch as that hon. Member had just admitted that the state of the law of copyright was such as to require alteration. If that were so, let him vote for the second reading of this bill, the principle of which was that which he admitted, namely, that the existing law ought to be modified. In committee he might urge his own views of the fitting alteration. He grieved that so important a subject had not attracted more attention in the House; but as it was, he must discuss it in spite of the thin attendance, and must most earnestly entreat of the House to consent to the second reading of the bill. It might be said that in ninety-nine cases out of one hundred the bill would have no effect at all. If that were the case, and that the one hundredth case could be benefitted without injury to the others, it was a good reason for adopting the bill. It was said, that the highest talents would be the most indifferent to a money-payment for their works; but that was no reason why booksellers should make a profit by those works, instead of letting it go, as by this bill it might go to the great author's children. Shakpeare, so far as could now be ascertained, had never received a single pound profit from his works; but if his family were alive, and possessed a fair share of copyright, they would be among the wealthiest in the land. If the Faëry Queen were, as Gibbon said, justly considered the brightest jewel in the coronet of the Marlboroughs, why should the descendants of those who gave immortality to English literature be excluded from all participation in the profits of their genius? It being now admitted that some alteration in the law of copyright was necessary, he was willing to take the alteration proposed by his hon. and learned Friend as a compromise between the interests and rights of the author and those of the public, not as an ignoble one, as had been stated by an hon. Member, but as one most likely to prove beneficial to all parties. It had been stated by the hon. Member for Bridport that this was merely an author's bill. In his opinion, judging from the arguments which he had heard, the opposers of the motion wished to substitute for it a reader's bill. He was not willing to make it either one or the other, but to make it fairly serve the interests of both.

As, in his opinion, the bill before the House would not affect inferior productions, while it would afford protection to the writers of good books, he would give his most earnest support to the measure.

Mr. *Wakley* thought the hon. and learned Gentleman had, on every occasion on which this subject had been brought forward, failed to show any ground for altering the law of copyright. He conceived, that this of all subjects was one which should be legislated upon only after mature deliberation, and upon the evidence of facts. He therefore hoped, that the hon. and learned Gentleman would consent to have the bill read a second time now, upon the understanding that it should be referred to a select committee. Upon that condition he (Mr. Wakley) would not oppose the second reading. If the hon. and learned Gentleman would accede to this suggestion, he thought there could be no objection to the hon. and learned Gentleman himself naming half the Members of the select committee, the other half being chosen by the opponents to the bill. He trusted the hon. and learned Gentleman would at once see the fairness of this proposition, and acquiesce in it. The hon. and learned Gentleman was silent. He (Mr. Wakley) supposed he was to interpret that silence as a refusal. He doubted not the discretion of the hon. and learned Member, but he must say, that he doubted his fairness. It had been supposed, that this bill would benefit authors; but let the House look to what had been the result in former times of perpetual copyright. The copyright of "Milton's Paradise Lost" was bought for a sum, he believed, between 5*l.* and 15*l.*, when the copyright was perpetual. This bill could not benefit the country generally. He believed its object was merely to benefit a certain class of authors, to the prejudice of the rest of the community. If the object of the hon. and learned Gentleman were to confer a benefit upon a particular class of persons, why did he not come forward and show the House in what those persons had deserved well of their country, and propose that they should be rewarded? He would entreat the hon. and learned Member to bring his mind to bear on the true merits of the question, and not to allow himself to be misled by his feelings. He entreated the hon. and learned Gentleman to look to the national, and not to the individual interests involved in this question; let him rely on the evidence of facts that might be brought before a committee up stairs, and not upon the force of his eloquence upon a House so thinly attended as the present. For himself, he (Mr. Wakley) would say, that if from the facts and the evidence so brought forward it should appear, that an alteration of the law was necessary, he would be the last man in that House to oppose any practical measure upon the subject.

Mr. *Ewart* hoped the hon. and learned Gentleman would acquiesce in the suggestion of the hon. Member for Finsbury, and consent to refer his bill to a select committee. He (Mr. Ewart) thought, that, upon a question so materially affecting the public, the public interests alone should form the basis of legislation, and they should take care not to grant to any class of persons exclusive privileges to the detriment of the public generally. The hon. Gentleman referred to the very cheap rate at which the most valuable literary works were now sold to meet the daily increasing demand for books. This was not the time to introduce a measure, the effect of which must be to make publications dear. For his own part, he wished to make it a case for equitable consideration. At the end of the period of fourteen years let it be referred to the Privy Council to decide, whether any increase in the term should be made for the benefit of the descendants of an author; or whether, under peculiar circumstances, some compensation should not be made to the individuals interested. He could not consent to alter the existing law unless it were done on good and sufficient grounds. He would again recommend his hon. Friend to refer the whole matter to a select committee, when an opportunity would be given to examine the minutes of evidence of that committee, over which he had himself presided some years since.

Mr. *C. Buller* said, he should vote for the second reading of the bill of his hon. and learned Friend, but he should do so on the simple ground that, balanced as his own opinions were, and requiring information on the subject, as he feared the House did, he would rather the measure should undergo the fullest possible discussion. He held it to be wholly inconsistent with the enlightenment of the present age, that the labours of literary men should be those only which were not effectually protected by copyright. He should like to see the descendant of Milton, for instance, honoured for the genius of his illustrious ancestor. He thought, indeed, that one good effect of this bill would be to encourage solid literary works instead of that which was light and trivial. Some of his hon. Friends had urged as an argument against this bill, that if it passed into a law it would tend to cause an increase in the price of books, but he must confess, for his own part, that he did not attach much importance to that objection. Upon the matter of copyright, he instanced the cases of Dr. Lardner's "Encyclopedia," and Mr. Murray's "Family Library," where large sums had been given for the copyright by the booksellers—and publishers were in the habit of giving large sums for copyrights—but then the sale of the works was immense. He mentioned these facts to show, that the question of copyright did not affect the sale of books. One objection which he was disposed to take to this bill was, that it carried with it no guarantee against the suppression of literary works. Take, for instance, "Gibbon's Decline and Fall of the Roman Empire." That work was one of a very peculiar character, inasmuch as in the eyes of many well-disposed and pious persons the opinions expressed were not of an orthodox nature. Now, an individual entertaining very rigid religious scruples might think it his duty to suppress the work, or to strike out many of the most important portions of it. But after all, the precautions which might be taken with a view to secure to the descendants of great men that reward which they had a claim to in virtue of their ancestors' labours for the benefit of mankind, —after all this, how did or how could this bill ensure that such should be the case? He should deeply deplore the day when he should see the descendants of a Milton, or any other great man, pining in want and penury, whilst those whose progenitors had been employed in less laborious and less honourable avocations were revelling in luxury. To ensure those advantages to the descendants which they sought for, they must not only create the property, but they must also entail it. Did his hon. and learned Friend think that, by extending the period of right over this description of property, he was securing any real or valid benefit to the author? For himself, he much feared, that such would not prove to be the result of this measure; on the contrary, he feared, that in nine cases out of ten, the booksellers and publishers would buy the copyright out and out, and thus defeat the object of the present measure. He should, however, for the reasons he had stated, vote for the second reading.

Mr. *W. S. O'Brien* wished to provide compensation for the labours of learned men, but he entertained strong doubts as to the bill in its present state being competent to accomplish that object. The noble Lord had thrown out one suggestion which he should be glad to find adopted. This was to give not only the authors a property in their productions, but to extend the benefit of the copyright to the author's relations for a period of sixty years. Under all circumstances, he should vote for the second reading of the bill.

Mr. *J. Jervis* was authorized to appear against the bill on behalf of the printers—a class of persons greatly affected by the bill—who had very material facts and evidence to lay before the House, provided they obtained an opportunity. He was satisfied that this bill would do no good. It sacrificed the publishers, and it compromised the interests of the public. The authors would not be benefitted to any considerable extent, for he felt assured that the bill would not ensure them one farthing more for the copyright of their works than otherwise they would have obtained. There was no evidence to justify the House in the course it was about to take, and he therefore entreated them to pause before they proceeded further with the measure. He was so impressed with the justice of the case of the printers, and he considered the objections they urged to be of such strength, that he should, though reluctantly, feel bound to offer every obstruction to the measure the forms of the House would permit, unless the hon. and learned Member consented to have a full and impartial inquiry up stairs. But if the measure were permitted to go up stairs, and a full and fair discussion occurred, and if a majority of the committee, fairly chosen, became of opinion that the bill ought to be proceeded with, then he, for one, should give that bill his support.

Mr. *Hume* had listened with great attention to all that had passed during the discussion, and he was sorry to see so little attention paid to the public interests.

It had been urged, that there was a right of property in the matters to be affected by the bill. Now, if this were so, he apprehended, property was under the especial protection of the laws of the land, and if these rights were invaded, the law would give the sufferer redress. Of all means of public instruction and education, cheap publications were the most important and the most effectual, and the main cause of the diffusion of information in them for the last ten years, had been the cheap publications which had been produced. The hon. and learned Gentleman wished for a class bill. Why so, he would ask; why should one class have a protection in such a matter? The great object was to diffuse the knowledge and information produced by this class, but this would be defeated if the proposition was carried out. Why did the hon. Gentleman object to an inquiry into the case? The reason was, because he knew he should be beaten. The present object appeared to be, to drive the country back to those barbarous times, when information was conferred to but a small section of the community. The learned Sergeant ought to be cautious when he found his measure opposed by those with whom he usually acted, and only supported by Gentlemen who had almost, without exception, shown themselves opposed to every proposition tending to enlighten or educate the people

Mr. Sergeant *Talfourd* in reply, deprecated the introduction of party feeling into this measure, which ought to be entirely free from party. It was unjust to impute to those who supported the bill any thing like party feeling, when the names of Thomas Campbell, Leigh Hunt, Thomas Moore, Harriett Martineau, and other persons of literary eminence, were amongst the petitioners for the bill. He would tell the hon. Member for Kilkenny, and also the hon. Member for Finsbury, that he would not be deterred from giving an honest vote on any measure, because it happened to be supported by Gentlemen on the Opposition side of the House. He had been taunted with bringing forward this measure before a thin House. Night after night, last Session, had he attempted to bring forward this measure, at great sacrifice of time to himself, and for fourteen or fifteen nights had been unable to do so till the time came when he was obliged to withdraw it, and it was therefore most unjust now to taunt him with bringing forward the bill in a thin House. He had been urged to refer this bill, or the whole question, to a select committee. That proposition had been made, discussed, and negatived, two years ago, at a more fitting season than the present. Those who urged this course, had not brought forward one consideration in support of it. There was nothing to go to a committee. It had been stated, that there was only one author in 500 who wrote for distant times. Why, that was the very case for which they ought to legislate. It was stated also, that where one author would be benefitted, 6,000 of the public would be losers. That was an utter fallacy. The public could lose no more than the author gained, and there could be no such loss at all till after the expiration of twenty-eight years. Let it be granted, that the bill made books dear, it could only make the particular book dear. That one dear book would not "set the fashion" amongst books. The printers and publishers would have shared the profits and benefits to be obtained from the novels and light works. It would be the 500th case alone, which would have the benefit of the extended term, and how could the publishers or readers be injured, except to the extent of that case? Some seemed to imagine that there was a kind of magic in the words issuing a work "from the press," and that it therefore became the property of the world for ever, however much the author might wish to suppress it. He did not understand what the public understood to be "vested rights" in an author's works. Was there to be no place of penitence for a crude or immoral speculation of an author, which he might afterwards wish to withdraw, because it had been once published to the world? If authors had a perpetual copyright, they only had what was their right by the common law of England. Such had been the right of all authors before the statute of Anne, passed for the protection of authors, took the copyright away. The present system only gave encouragement to works of fiction. Would they give all the encouragement that copyright could give to works of fiction, or would they give it to works of science and learning which outlived the present day? Men of talent were now devoid of all encouragement to engage in works worthy of their talents, and were led to fritter away those talents in writing reviews and articles for magazines, and in works of fiction, because from such works alone could they obtain any thing like remuneration.

The House then divided:—Ayes 59; Noes 29: Majority 30.

List of the AYES.

Acland, Sir T. B.
Acland, T. D.
Aglionby, Major
Arbuthnot, hon. H.
Attwood, W.
Bagge, W.
Bailey, J. jun.
Barry, G. S.
Blair, J.
Broadwood, H.
Buller, C.
Cole, Viscount
Conyngham, Lord A.
Curry, Sergeant
Darby, G.
Du Pre, G.
Eastnor, Viscount
Elliot, hon. J. E.
Filmer, Sir E.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hon. H.
Grimsdich, T.
Grimston, Viscount
Handley, H.
Henniker, Lord
Howard, P. H.
Ingestrie, Viscount
Inglis, Sir R. H.
Jermyn, Earl
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Lincoln, Earl of
Lowther, J. H.
Mackenzie, T.
Mackenzie, W. F.
Maunsell, T. P.
Milnes, R. M.
Mordaunt, Sir J.
Pakington, J. S.
Parker, R. T.
Pigot, D. R.
Plumptre, J. P.
Pringle, A.
Pusey, P.
Round, C. G.
Round, J.
Shaw, rt. hon. F.
Sibthorp, Colonel
Stanley, E.
Stuart, W. V.
Strickland, Sir G.
Sutton, hn. J. H.T.M.
Teignmouth, Lord
Turner, E.
Wood, G. W.
Wyse, T.

TELLERS.
Talfourd, Sergeant
Mahon, Viscount

List of the NOES.

Baines, E.
Blake, W. J.
Brotherton, J.
Bruges, W. H.
Dennistoun, J.
Ewart, W.
Greg, R. H.
Grote, G.
Hawes, B.
Hector, C. J.
Hobhouse, T. B.
Jervis, J.
Lushington, C.
Marshall, W.
Muntz, G. F.
Pryme, G.
Salwey, Colonel
Smith, B.
Stock, Dr.
Strutt, E.
Style, Sir C.
Thorneley, T.
Turner, W.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
White, A.
Williams, W.
Yates, J. A.

TELLERS.
Warburton, H.
Hume, J.

Bill read a second time.

* * *

HOUSE OF LORDS,

Thursday, February 20, 1840.

MINUTES.] Bills. Read a third time:—Prisons Act Amendment; Transfer of Aids.

Petitions presented. By the Marquess of Normanby, from one place, for the Abolition of Church Rates.—By the Marquess of Westminster, from Auchtermuchty, for, and by the Duke of Buckingham, from Cornwall, against the Repeal of the Corn-laws.—By the Earl of Haddington, from the Presbytery of Lauder, for the Abolition of Church Patronage.—By the Earl of Aberdeen, from several places, against the Intrusion of Ministers into Parishes without the consent of the Parishioners.

CONGRATULATORY ADDRESSES.—ANSWERS.] The Lord Chancellor reported her Majesty's answer to their Lordships' congratulatory address of Friday last as follows:—

"I thank you for this dutiful and affectionate address. I feel deeply your approbation of my choice, and it gives me great satisfaction to find that an event so essential to my domestic happiness is also considered conducive to the interests of my people."

The Marquess of *Lansdowne* reported to the House that he, and the other noble Lords appointed to attend his Royal Highness Prince Albert of Saxe Coburg and Gotha with the congratulatory message sent from that House on the happy occasion of the nuptials of her Majesty, had attended his Royal Highness accordingly, and that his Royal Highness was pleased to say—

"I return the House of Lords my warmest thanks for the message which you have now delivered. I learn with lively satisfaction their approbation of the choice which her Majesty has made, and it will be the study of my life to justify the favourable opinion which you have now expressed."

The Marquess of *Lansdowne* also reported that her Royal Highness the Duchess of Kent had been waited on with the congratulatory message sent from that House on the happy occasion of the nuptials of her Majesty, and that her Royal Highness was pleased to say,

"I receive with great satisfaction this mark of the attention and regard of the House of Lords, which is most gratifying to my feelings, and I return them many thanks for their congratulations."

The answers were severally ordered to be entered on the journals.

DUTIES ON EAST INDIA PRODUCE.] Lord *Ellenborough* begged to ask the noble Marquess, the President of the Council, whether it were the intention of her Majesty's Ministers to accede to his intended motion for referring the petition of the East India Company to a Select Committee.

The Marquess of *Lansdowne* said, that it might be more advisable to wait until the Government had duly considered the several important topics contained in the petition; but if the noble Baron chose to press his motion for a Select Committee, it would not be opposed by her Majesty's Ministers. At the same time, it was not expedient for him to state what were the points to which the attention of the Government had been principally directed. There were many subjects connected with the petition, such, for instance, as the more free importation of East-India goods, which were of essential importance, and which ought to be well considered. In his opinion, there might be inconvenience in hurrying this question forward, since there were several topics connected with it which were likely to affect the revenue and the system of foreign customs. He should be sorry if any step were hastily taken that would interfere in any way with those great principles of commerce which had been successfully acted on. He was ready to attend to any suggestion that the committee which the noble Lord intended to move for might make to the House, and he would render any services in his power for the purpose of conducting the inquiry which the noble Lord proposed.

Subject dropped.

CHINA.] The Duke of *Buckingham* wished to know from the noble Earl at the head of the Admiralty, whether he had received any official accounts of the transactions that had been represented as having recently taken place in China.

The Earl of *Minto* said, that he had received no official account of the transactions referred to by the noble Duke at the Admiralty. He had, however, received private information, from which he felt bound to say, that he considered the accounts that were now before the public to be in effect substantially correct.

The Duke of *Buckingham* wished also to know whether any steps had been taken in consequence of the death of Sir Frederick Maitland?

The Earl of *Minto* said, that, in consequence of the death of that gallant officer, Admiral Elliot had been ordered to act.

INLAND BONDING WAREHOUSES.] Viscount *Strangford* rose in pursuance of the notice which he had given to their Lordships on Monday night, to move for the production of certain papers which he held to be absolutely indispensable to the due consideration of a measure of great magnitude and importance, which their Lordships thought fit to reject last year, but which was again shortly to be brought before them, recommended and supported by her Majesty's Government. When his noble Friend near him, last Session, moved that the bill relative to inland bonding warehouses, be read a second time that day six months, he stated a fact which had not been contradicted—it had since been stated elsewhere, and had not been contradicted—namely, that the opinions of certain revenue boards, as to the probable operation of the bill on the revenue, was in the highest degree unfavourable to the measure, and that it was the conscientious belief of those parties, that if the measure were carried into a law, it would have a most seriously injurious effect on the revenue. So many hasty experiments had lately been made with reference to the sources of the revenue, that he thought it would scarcely be wise to add that which was now contemplated to the number, without the fullest investigation being instituted, in the first instance, for the purpose of ascertaining its probable effects. No man who had heard the clear and lucid statement made, a few nights ago, by a noble Earl (Ripon) not then in his place, with respect to the financial position in which the country now stood—more especially when the noble Viscount opposite had candidly, in his answer, admitted the constantly increasing expenditure, and the equally constantly decreasing revenue there was no one, he repeated, who had heard this, but must look with considerable anxiety and apprehension at any measure, of which persons peculiarly qualified to form a proper opinion upon it, had an idea that it would produce an unfavourable effect upon the revenue of the country. Therefore it was, he confessed, that he was extremely anxious, before they proceeded with a measure of that kind, to have the advantage of the opinions of practical men, to which he attached much more importance than he did to the theory and speculations of those to whom they were subservient. He feared that the noble Viscount was not disposed to grant the returns, because, as he had said, in the first place, it was unusual to produce such documents, and, in the second place, the production would be detrimental to the public service. Unusual it certainly was not, for he then held in his hand a report from the Board of Customs to the Board of Trade upon the question of sugar from foreign states being allowed to be refined in London. As to its being detrimental to the public service, he could not see how that could be, but it certainly might be inconvenient to her Majesty's Ministers, because the production of those documents might chance to place them in a position which they did not wish to occupy. If, however, any real case of inconvenience could be made out, he was the last man to press his motion. He hoped the noble Viscount would give the House an assurance of his anxiety to furnish those returns if it were in his power; because if he did not assign a good reason for withholding them, and, at the same time, withheld the returns, what was the conclusion to which the country at large would come, from the fact of that double denial being given? It would come to the just and inevitable conclusion, that the noble Viscount, in spite of the previous warnings he had had, and the recommendations he had received to the contrary, from persons whose opinions deserved the highest respect and consideration, had persisted in acquiescing in a measure of this description, with a full and perfect foreknowledge of the prejudicial result which it was likely to have on the revenue of the country. There were, at the present moment, in consequence of deficiencies in the revenue, visions of future taxation before the eyes of the people; and he warned the noble Viscount that when the country was called upon to pay more taxes, it would not do so without a previous inquiry as to whether they were imposed from uncontrollable and inevitable necessity, or merely to gratify the speculations and fancies of experimentalists, who were anxious to interfere with the old established sources of their national prosperity. The noble Viscount concluded by moving for copies of any reports from the officers of the Revenue Boards to the Treasury by the Board of Trade, relating to the extension of the principle of bonding warehouses in inland towns.

The Earl of *Clarendon* said, that having been for some years connected with one of the boards to which the noble Viscount had referred, he naturally felt considerable interest in this discussion, and should, therefore, offer a few observations to the House. It was perfectly evident that, whether there were or were not precedents for the production of these documents, there could not be a doubt that, if the principle were once admitted, the practice must be exceedingly inconvenient to every Government; not to the existing Government only—for this could not, in any respect, be considered a party question. It would, in fact, entirely alter the relation which now subsisted between the different Boards and the Government. As, in most instances, the reports of the Boards of Customs and Revenue were replies to references made to them from the Treasury or Board of Trade, and were answers to opinions asked of them, it would follow that by the publication of such reports, there would be published also the opinions of the Treasury and the Board of Trade. In seeking for the information, on which the decision of the Government would ultimately be founded, it was manifest that the correspondence must be often of a controversial, and always of a confidential nature. It was not at all binding on the Government to adhere to the recommendations contained in the reports they received from any of these boards, or to assign any reason for rejecting their advice. The Revenue Board informed the Government as to the law and practice, and it was the duty of the Government to decide as it thought best for the public good; which it ofttimes did (in opposition to representations made by the board) from being cognizant of things of which the Revenue Board knew nothing; and for which decision they all were responsible. The Board of Trade was considered as representing the great commercial interest of the country. The Board of Customs that of the revenue exclusively. The Board of Trade was anxious to give every facility to commerce, and to relieve it from its embarrassments, and was bound to state its views in the strongest terms. Both were equally zealous for the public service; but, at times, their views were at variance one with the other. It could answer no useful end to inform parties in what manner particular departments of Government advocated their wishes or interests, and to tell them why the Board of Trade thought a particular law necessary to be passed, and why the Board of Customs thought the contrary? Take the example of the measure which gave rise to the noble Lord's motion. The Board of Trade was considered all along to be favourable to it; the Board of Customs, on the other hand, was supposed to be unfavourable. The latter having great general information and knowledge on the subject, had suggested to the Government various ways, by which, under such a law, the revenue might be defrauded; so that to publish this report would be to give a gratuitous lecture on the most approved mode of smuggling, by those best qualified to teach it. Their Lordships, he believed, would not think the papers, for which the noble Viscount had moved, if laid on the table, would serve any purpose of his, because they would not, in any way whatsoever, criminate the Government. Ministers, in supporting the Inland Warehousing Bill, conceived it to be their duty, with reference to the interests that were brought before them, and the assistance which those interests had a right to receive at their hands, to call upon Parliament to pass the law; but he thought they were not bound to disclose those confidential communications on which that measure was founded. Many other reasons would occur to the mind of any one conversant with business, why these papers should not be granted. Many cases might be laid before the Treasury, affecting the reputation, the solvency, and the liabilities of individuals and of companies, without the parties who put them forward, avowing their real motives. Well, these cases might be sent down to subordinate boards for consideration—and, if the practice contended for by the noble Viscount were acceded to, the reports of these boards might, on motion, be published—and what would be the consequence? Why, in many instances, their Lordships might thus become the instruments of libel; and they all knew to what inconvenience they might thereby expose themselves. He could not conceive that there were any more grounds for granting these papers than for producing the opinions of the law-officers of the Crown, and he believed that they all agreed as to the expediency of keeping them secret. There could be no more reason for calling for these communications than for calling on the Secretary of State to produce the confidential communications between himself and his Under Secretary. If the practice should be once established it would totally alter the character of the communications between the superior and the subordinate boards. No communications would take place but such as both parties were prepared to publish. Consultations and references would occur as before, because public business could not be carried on without them; they would be carried on either verbally or by means of private letters, which each Chancellor of the Exchequer might carry away with him when he left office. His successor would, when he came into office, find that a great deal of legislation had passed; but he would find no record left to show him the grounds and the policy on which that legislation had proceeded. He would, in fact, be left without any guide whatever, as to the reasons on account of which the change and alterations in the law had been made. In offering these observations, he had not applied himself so much to the impropriety of producing the particular papers in question as to the general ground that all such productions were prejudicial to the public service; and, as he was convinced that the noble Viscount could have no such intention, he hoped he would not press his motion.

Lord *Ashburton* was understood to say, that he never was more puzzled than in endeavouring to comprehend how there could be any possible objection to the production of these reports. He could not see how any evil results were likely to spring from the simple declaration of these two boards as to the effect of inland warehousing on the general revenues of the country. He could not see the danger of divulging of secrets which seemed to be apprehended on the other side; and as to the objection that the motion, if successful, would tend to facilitate smuggling, in his opinion the smugglers neither of this, nor indeed of any other country, required much assistance derived from information of this description.

Viscount *Melbourne* said, that the noble Viscount, in alluding to what had fallen from him upon a former occasion, with reference to the state of the finances, had qualified very materially the admission which he had made in the debate in question. He was of opinion, that neither upon questions of finance, nor upon any other matter whatsoever, could any advantage result from concealment, or from not stating to the full extent the difficulties with which the country might have to contend, But the noble Lord had incorrectly stated the admission which he then made. He had attributed to him these expressions—that "there was both an increase in the expenditure of the country, and a decrease of power to meet it." He had admitted the increase of expenditure, partly occasioned by a facility on the part of the House of Commons in increasing the expenditure in matters which seemed to require it, and partly on account of the many schemes which emanated from noble Lords with a view to promote the welfare of the country. But he never had said anything like an admission of a decrease of means to meet this expenditure. Of such a decrease there was no symptom whatever. There was not the slightest evidence of a falling off in their power of production, or of the smallest diminution of their real sources of strength and energy and national wealth. He hoped that the noble Lord would not persevere in his present motion, for the reasons stated by his noble Friend below him. The communications between the Revenue and the Board of Trade were of the most sacred character. They must, of necessity, be carried on adversely. To introduce the practice of calling for the production of papers of this description would be most prejudicial. This motion, if successful, would practically set one department of the Government against another, and if communications of this description between different departments were not held in confidence, the Government of the country could not be carried on at all. "Everything now (said the noble Viscount) is made public. If you write a letter, it is a hundred to one that it finds its way into the newspapers, or that it is produced in this House. And what is the consequence? Why, that it puts an end to all correspondence, and no man in his senses will write a single word more than he is compelled to do." If, therefore, communications made in confidence, such as those to which the motion referred, were liable to be overhauled, there would be an end of them at once, and the business of the country could not be proceeded with. He hoped that the noble Lord would not press his motion.

Lord *Ashburton* thought that the precedent sought to be established by the noble Viscount would most materially limit the powers of Parliament.

Lord *Monteagle* felt anxious to say a few words, in order to set right some of the statements of the noble Lord opposite. There was no analogy whatever between the papers in the hands of the noble Lord and those now moved for. There were some cases in which reports of this description might be produced, but all that was contended for was, that the principle ought to be the other way, and that cases of production should be the exceptions, and justified as exceptions. His noble Friend who had just sat down, said, that, if the doctrine of the noble Viscount was acceded to, not only would a difficulty be thrown in the way of the proceedings of their Lordships' House, but that a principle would be established which would never be agreed to by the other House of Parliament. If their Lordships referred to the Journals of the other House, they would find that the same motion was made there on behalf of the great interests that would be effected by this bill (the Liverpool Dock Company), and the same answer was given that had been given by his noble Friend, and that proposition was so satisfactory that it was acceded to, and the motion was withdrawn. The papers were not pressed for, because their production would be inconvenient to the public service. He would at a future time, when the bill came under discussion in that House, take an opportunity of stating why it was that he supported the bill. He hoped the papers would not be called for, as he knew from his own official experience, that if they were compelled to produce them the communication between the great public departments would be greatly impeded.

Lord *Ashburton* said, that they would have heard nothing of opposition to the production of those papers had the Government not been going in direct opposition to the opinion of their own officers. It was impossible for their Lordships to legislate prudently unless they had information in some manner or other.

Viscount *Strangford* said, that after hearing what had fallen from the noble Viscount opposite, he would ask permission of the House to withdraw his motion. But, at the same time, he would beg to remind the noble Viscount that he had suggested to him the propriety of a declaration, whether he was or was not acting in direct opposition to those men who were best informed on the subject. He thought the course hinted at by the noble Lord was the most safe; and, when the bill came before their Lordships, it would be for them to consider whether they could not obtain the information and get at all the facts by other means—by the means of a select committee up stairs. As to the confidential nature of these communications, he was not disposed to pry into the mysterious tenderness which passed between the Board of Customs and the Treasury, nor did he want to make that House an originator of libels, or a normal school for the instruction of smugglers. He could not sit down without assuring the noble Viscount that he did not mean to misrepresent him in the speech which he delivered the other night. He did not intend to assert that the expenditure was increasing while the revenue or the resources of the country were actually diminishing, but that the disproportion between them was increasing, and that comparatively the expenditure was greater and the revenue less. He hoped that the noble Viscount would give his best attention to that subject.

Motion withdrawn.

HOUSE OF LORDS,

Friday, February 21, 1840.

Minutes.] Bill. Read a first time:—Church Building Act Amendment.

Petitions presented. By the Bishop of Ely, from Bury St. Edmund's, against certain recommendations of the Ecclesiastical Commissioners.—By the Marquess of Bute, and the Earl of Aberdeen, from a number of places, against the Intrusion of Ministers into Parishes without the consent of the Parishioners.

China.] Lord *Ellenborough* begged leave to put two questions to the noble Viscount, which, if he was not then prepared to answer, he would perhaps answer on Monday next. The first was, whether it was the intention of her Majesty's Government to accompany the papers relative to China with any message from the Crown, which would open the whole course of policy recently pursued towards that country? The second question was, whether her Majesty's Government had formed any arrangement with the East India Company, fixing the proportion of charge of any intended expedition by this country and the East India Company against China?

Viscount *Melbourne* answered, that as to the first point, no message would be sent down: and as to the second, he would avail himself of the suggestion of the noble Lord, and take time to consider of it.

Thanks to the Indian Army.] Viscount *Melbourne*, in conformity with the suggestion which had been thrown out on a former night, moved,

> "That the order of the 4th of February, namely, 'that the thanks of this House be given to Major-General Sir Willoughby Cotton, Knight Grand Cross of the most hon. Military Order of the Bath, and to the several officers of the army, both European and Native, for their good conduct and gallant exertions during the late operations to the westward of the Indus,' be read and discharged."

Which having been agreed to,

Viscount *Melbourne* moved,

> "That the thanks of this House be given to Major-General Sir W. Cotton, Knight Grand Cross of the most hon. Military Order of the Bath; Major-General Sir T. Willshere, Knight Commander of the most hon. Military Order of the Bath; Major-General Sir J. Thackwell, Knight Commander of the most hon. Military Order of the Bath; Major-General E. H. Simpson; Major-General W. Nott; and to the several officers of the army, both European and Native, for their good conduct and gallant exertions during the late operations to the westward of the Indus."

The Earl of *Aberdeen* said, he did not rise to offer any opposition to the motion, but he wished to put a question connected with the subject of the war in India to the noble Viscount. He believed that one of the motives of the expedition to the westward of the Indus was to prevent the threatened attack on Herat by the Persians. Now, he wished to know, whether, since that, any intelligence had been received that the chief of Herat had come to an understanding with the Persian Government, and had rejected the protection and assistance proffered to him by the British Government?

Viscount *Melbourne* answered, that no intelligence had been received to the extent indicated by the noble Earl; but intelligence had arrived which was calculated to excite suspicion with respect to the government of Herat.

Motion agreed to.

Resolution to be transmitted by the Lord Chancellor to the Governor-General of India, and to the several officers referred to therein.

HOUSE OF COMMONS,

Friday, February 21, 1840.

MINUTES.] Bill. Read a second time:—Prisons.

Petitions presented. By Colonel G. Langton, Messrs. C. Lushington, Baines, Hume, and Hawes, from a number of places, for the Abolition of Church Rates, and for the Release of John Thorogood.—By Mr. Lockhart, F. Maule, Sir James Graham, and Lord John Russell, from a number of places, against the Intrusion of Ministers into Parishes without the consent of the majority of the Inhabitants.—By Messrs. Grimsditch, Baines, Blackburne, Greg, and Muntz, from Manchester, and other places, in favour of the Inland Warehousing Bill.—By Colonel Rushbrooke, and Mr. Barneby, from two places, against any further Grant to Maynooth College.—By Messrs. R. Steuart, Brotherton, Villiers, Hume, Baines, Grey, and White, for, and by Lord Eliot, Mr. W. Duncombe, and Mr. Baring, against the Repeal of the Corn-laws.—By Sir James Duke, Mr. Hope, Mr. Blakemore, Mr. Pattison, Sir R. H. Inglis, and Sir M. Wood, from a number of places, for the Release of the Sheriffs.—By Sir G. Staunton, Sir C. B. Vere, and Messrs. W. Evans, Planta, R. Palmer, Wilbraham, Goulburn, Barneby, Sir R. Peel, and Lord Stanley, from a great number of places, for Church Extension.—By Mr. Roche, and Mr. S. O'Brien, from several places, for an Extension of the Franchise, and Corporate Reform in Ireland.—By Messrs. Hume, W. Ellis, Baines, Wallace, and Wakley, from a number of places, for a Free Pardon to the Convicts Frost, Jones, and Williams.—By Sir G. Staunton, from Portsmouth, for Religious Education.—By Mr. Grey, from Brixton, against the Poor-laws.—By Mr. Litton, from Dublin, and other places, against the Municipal Reform Bill.—By Mr. Wakley, from two places, for an Inquiry into the Principles of Socialism, with the view to the new-modelling Society.

NEW WRIT FOR PERTHSHIRE.] Mr. *F. Maule* moved, "That the Speaker do issue his warrant to the Clerk of the Crown, to issue a new writ for the election of a Commissioner for the county of Perth, in the room of Lord Stormont, now Earl of Mansfield and Viscount Stormont in the kingdom of Scotland."

Mr. *Pringle* wished to know whether it consisted with the knowledge of the hon. Member, that Lord Stormont had received a writ of summons to the House of Lords?

Mr. *F. Maule* replied, that it did not consist with his knowledge, that Lord Stormont had received a writ of summons to the House of Lords, but it consisted with his knowledge, that he was now Viscount Stormont, in the kingdom of Scotland, and, according to the articles of Union, he could not sit for a Scotch county.

Sir *W. Follett* recollected that a similar case had occurred since he had been in Parliament—the case of the present Earl of Scarborough. A writ was moved for on the death of his father, but no writ of summons had been issued, and the motion was withdrawn. This appeared to him to be a similar case. There was no proof that Lord Stormont had become either a Peer of Scotland or a Peer of England; and until a nobleman had received a writ of summons, it was not usual to move a new writ for a place which he represented.

Mr. *F. Maule* was sorry to interfere with so high an authority as the hon. and learned Gentleman; but he apprehended Lord Stormont would not receive a writ of summons; he would take his seat in the House of Lords as a Scotch Peer without any summons, and he knew of no reason why so large a district as Perth should remain unrepresented.

Sir *J. Graham* said, the circumstances of this case were very clear. The Earl of Mansfield died on Tuesday last, and was yet unburied. A writ of summons had not yet issued, and Lord Stormont could not take his seat as a Peer of the British Parliament till he had received a writ of summons. That writ of summons could only issue on proof of his legitimacy, and the case stated by his hon. and learned Friend, the last case in which the question arose, that of the Earl of Scarborough, removed all doubt upon that ground. Unless, therefore, the hon. Member was prepared to state, on his own knowledge, that the writ of summons had issued, the time had not yet arrived for moving the new writ. With regard to his being a Peer of Scotland, he imagined that before he could vote as a Peer of Scotland, he must be served heir to his father. There must be proof in relation to the British Peerage as well as the Scottish. Lord Stormont's father was yet unburied, and no such proof had been adduced. The hon. Gentleman was not in a condition to state, that a writ of summons had been issued, or that a service had been made upon the heir. Upon this ground, therefore, he submitted that it would be premature to issue the writ at present.

The *Lord-Advocate* said, it was perfectly clear, according to the law of Scotland, that Lord Stormont was now a Scotch Peer, no service being necessary. Upon the death of a father, the son instantly became a peer, and the present Lord Stormont was, therefore, a Scotch Peer in the room of his father, independently of any service or proof of legitimacy.

Sir *E. Sugden* said, the question could only be decided by proper evidence. Was the House to have that evidence or not? If the law of Scotland furnished no evidence in this particular case, the House must fall back upon the English Peerage, and call for the customary proof of heirship.

The *Attorney-General* said, it appeared, from what had fallen from the right hon. Baronet, the Member for Pembroke, that the Earl of Mansfield was dead, and there was no doubt that Lord Stormont, the late Member for Perth, for so he must call him, was his eldest son and legitimate heir. But the House must consider the case as if the late Earl had only been Lord Stormont; they were to dismiss from their minds, that he was Earl of Mansfield also. Well, then, being only Viscount Stormont, there was no doubt that his eldest son and heir, now Viscount Stormont, being a Scotch Peer, was disqualified from sitting in the House of Commons. The seat, therefore, was vacant. There was no Member now for Perthshire.

Mr. *Goulburn* said, the hon. and learned Gentleman had made an assumption first, and, then, upon that assumption, he proceeded to settle the whole case. There was no question about the son being heir to his father's title in this particular instance. If the principle laid down by the hon. and learned Gentleman were adopted, the House must be prepared to act upon it in every future case. The House had guarded against any error in the case of English peers by requiring that a writ of summons should be issued before any vacancy be declared. He thought, upon a case of this importance, where they were establishing a precedent to guide the House hereafter, it was inexpedient that they should come to a hasty decision. In all these cases it was desirable that precedents should be examined, and he should therefore move, that the debate be adjourned to Monday next.

Mr. *F. Maule* should certainly oppose that motion, and for this reason, that the House had the opinion of the Lord-Advocate most distinctly delivered upon a point of Scotch law. That opinion was, that, by the law of Scotland, Lord Stormont was now a Scotch peer, and, by the Act of Union, he could no longer be a Member of that House; if he should exercise his privilege, as Member for Perthshire, he would subject himself to a penalty. Under those considerations then, and feeling that it would not be fair that this great county should be without its voice in that House at this particular crisis, he should persist in his motion that the writ be issued.

Sir *R. Peel* would support the motion for an adjournment. The position of a Scotch peer in his opinion very much resembled that of an Irish peer sitting for an Irish constituency, and inheriting a title from his father. In that case, he was disqualified from sitting, not in the House of Commons generally, but for any Irish constituency; and it was important to ascertain the course pursued on such a vacancy taking place—whether the Speaker issued his writ immediately, if the case occurred during the recess, or waited until some evidence had been laid before the House on its re-assembling. The House should remember then that they might establish now a precedent not only for Scotland but for Ireland. There was no representative for Perth yesterday or the day before, but it was not thought necessary, on the death of the late Earl of Mansfield being known, that a race should be run in order to move the writ. The proposal was not that they should suspend the writ indefinitely, but that the debate should be adjourned until Monday next, in order that they might consider what the precedents were. If the precedents were in its favour, let the writ be issued on Monday next, but before it was decided upon, was it not decent at least to have the opportunity of eight-and-forty hours' consideration before they established a precedent which was to govern them in future?

Mr. *R. Steuart* said, the present case was not analogous to that of an Irish peer. The difference was, that an Irish peer was not prohibited from sitting in the House of Commons, because he might sit for an English constituency, whereas a Scotch peer could not sit in the House of Commons at all. He feared there was something more than a mere wish to prevent a precedent being established on the other side. It was utterly impossible that any precedent could be established different from that which had repeatedly been established before. It being admitted that the Earl of Mansfield was dead, and that his son was a Scotch peer, he did say, that the House had a right to suppose there was something yet undisclosed, which induced hon. Members on the other side to come forward and prevent the writ being issued.

Mr. *Goulburn* would inform the hon.

Gentleman upon what ground he opposed the motion. He had been a Member of that House for some years, and he remembered that in the case of Lord Berkeley a motion was brought forward by some hon. Gentlemen who now occupied the other side of the House, that Lord Dursley should vacate his seat as Member for Glocester, because he had become Earl of Berkeley. He (Mr. Goulburn) opposed it on the same ground that the present motion was opposed—namely, that there was no evidence of the fact before the House. With the recollection, then, of the circumstances of the case in his mind, he wished to be cautious of acting upon his own judgment without some proof of the fact in dispute.

Mr. *Shaw* said, that on the death of Lord Farnham, Mr. Maxwell, who represented the county of Cavan, succeeded to the title, and although Lord Farnham had died during the recess, the vacancy was not declared, nor was a new writ issued, until the meeting of Parliament, because, as no writ of summons was issued to an Irish peer, the Speaker had no official information on the subject. Lord Farnham vacated the seat, but it remained vacant until the House was satisfied that he was a peer of Ireland.

Sir *R. H. Inglis* rose for the purpose of calling the attention of the House to the case mentioned by his right hon. Friend the Member for the University of Cambridge. (The hon. Gentleman read from the journals an account of the proceedings of the House on the 10th of January, 1811, on the motion that a new writ be issued for Gloucestershire, in the room of Lord Dursley, who had succeeded to the title of Earl Berkeley.) The Speaker on that occasion had issued his writ; but it had turned out afterwards that the allegation on which he had proceeded in so doing was incorrect; and the other House of Parliament, had decided, that that gentleman was not Earl of Berkeley, and he had never sat there by that title. Now, as no hon. Gentleman could state it as a fact, from his own knowledge, that Viscount Stormont was now a Peer, it would be more consistent to consent to the adjournment.

Mr. *Hume* asked if the hon. Gentleman meant to state to the House that there was any doubt as to the legitimacy of Lord Stormont?

Sir *R. H. Inglis* had cautiously abstained from making any reference to the grounds of the decision to which he had alluded.

Mr. *Hume* said, the points of that decision were known to every one, and therefore he was justified in asking the question. It was because the hon. Baronet had not stated what were the grounds of his own opposition to the motion, that he thought it was fit the House should know them.

Sir *W. Follett* could assure those hon. Gentlemen opposite who attributed motives to those who sat on the Opposition benches, that he was totally ignorant of everything connected with the local politics of Perthshire. He was sure it was not necessary that he should make any allusion to the observation of the hon. Member for Kilkenny. It was preposterous to suppose, that they considered Lord Stormont would not be Earl of Mansfield of England, and Viscount Stormont of Scotland. His only object was, that the House should proceed according to precedent. The question was, whether the House ought not to proceed in the case in the usual ordinary and proper course, and there was no necessity at all to make it a personal question. It had been said that there was no doubt whatever that Lord Stormont in Scotland was Earl of Mansfield in England, but that was not the only consideration which the House should look to. In the case of the Earl of Scarborough the writ had been suspended till the usual forms were gone through. It was said that upon the death of a Scotch peer his son immediately became a peer. Such was the case with regard to the eldest son of an English peer. But it was not the practice to issue a writ until the House had some proof that he had become a peer; a mere statement or supposition was not considered sufficient to warrant the issuing of the writ. He would not pretend to dispute the law of Scotland, as laid down by the Lord-Advocate, but he still thought that the House should be guided on the matter by precedent, and that they should pursue the usual course on such occasions. The Lord-Advocate could not, he believed, show a precedent of a writ having been issued immediately on the death of a Scottish peer; and if he could not do that, surely the debate ought to be adjourned. Nobody, he believed, on the Opposition side of the House had the slightest motive in taking the line they had done, but to prevent the House from proceeding irregularly, and without due deliberation.

Mr. *F. Maule* said, that hon. Gentlemen opposite had not denied that Lord Stormont was now a Scottish peer, and that if he took his seat in the House he would be liable to a penalty.

Mr. *J. Jones* thought the House was justified in requiring something more than the mere assertion that Lord Stormont had succeeded to the title of his father. He believed that it was usual to serve the heir of a Scotch peer before he was considered duly possessed of the title, though there was no doubt of his legitimacy. At all events the writ ought to be delayed until the House was perfectly satisfied, as in all other cases.

Mr. *O'Connell* did not think the House could be in possession of any more facts on a future day than they were at present. He understood that there was no doubt that Lord Stormont was Lord Stormont in Scotland at the present moment; and being so, he could not sit in that House. Why wait, then, till Monday? If hon. Gentlemen opposite wanted time to get a candidate for Perthshire, let them say so.

Lord *J. Russell* said, it appeared to him that a new writ should be issued if the person served as heir to a deceased peer was not able to sit in the House. That course had been pursued very lately in the case of Lord Clive, who had become Earl of Powis. It was also adopted in other cases. The usual mode had been to make a statement, and upon which the House proceeded to issue the writ. The question now was, whether the House was satisfied with the statement of the hon. Member who had moved this writ. If any hon. Gentleman would say that he considered Lord Stormont had not become a peer, that he was not Viscount Stormont in Scotland, that he was not Earl of Mansfield in England, and therefore not unable to do his duty in that House, then he would admit that in issuing the writ they would go contrary to former precedents. But he had not heard any such statements made. He had not heard the slightest doubt expressed that Lord Stormont had become a Peer of Scotland. His hon. Friend near him (the Lord-Advocate), who was acquainted with the law and practice of Scotland, had said that there was no positive necessity that the heir should be served. There must be some other ground, then, upon which to controvert the usual practice. The case of Lord Dursley had been alluded to. Now suppose that, with regard to Lord Stormont, there was question about his right to succeed to the title, and two years were allowed to pass over before any decision was given, would the House be prepared to agree that the county of Perth should remain without a Member all that time? Should such a case occur, it would no doubt require considerable consideration before the House could settle what course should be adopted. But that was not the case at present before the House. He was, therefore, of opinion that the usual precedents should be followed.

Sir *W. Rae* said, there was no doubt of Lord Stormont's right to succeed to the titles of Earl of Mansfield in England, and Viscount Stormont in Scotland. The question was, whether some evidence should not be adduced in the House of the fact. There was no doubt of the fact in Scotland. But he denied that the heir of a deceased Peer could do any act without first proving his legitimacy. He could not touch any part of the estate, unless he had been served as heir; and upon the election of the sixteen Peers of Scotland, he must produce a certificate to show that he had been served as heir, besides the general knowledge of the fact. Under all the circumstances, it would be the most regular and consistent course to adjourn the debate.

The *Lord-Advocate* said, that when the eldest son of a Peer became entitled to a Peerage, it was not necessary for him to take any proceedings for the purpose of enabling him to exercise any of the rights or privileges of the Peerage. If the House were satisfied that a vacancy had taken place in the representation of Perthshire, a new writ ought immediately to issue.

Sir *G. Clerk* observed, that the House of Commons committed a great blunder in the year 1811, in the course which it adopted with reference to the new writ for Glocester, when they assumed that the Member by whom that place was represented had succeeded to a Peerage. From that time forward the House acted upon a stricter rule with respect to the issue of writs, for they required that some evidence should be laid before them of the existence of a vacancy, and no longer took the matter for granted upon the mere statement of the individual Member who moved for the new writ. There was a case quite in point which had not yet been referred to —namely, that of the Earl of Wemyss. When that nobleman succeeded to his father's title and estates, his eldest son, then Viscount Elcho, was Member for the Haddington district of burghs. Before the Scotch Reform Bill was passed, it was incompetent for the eldest son of a Scotch Peer to represent an English constituency. In that case a new writ was moved for in the room of Lord Elcho; some objection was made at that time, as on the present occasion; the matter was postponed for a few days, and then the writ was issued. there was another case in point, and that was the case of the Earl of Beverley. There existed no doubt as to the legitimacy of his eldest son (Lord Louvaine, then sitting for the borough of Berealston). On the death of his father a new writ was moved for in the room of Lord Louvaine, on his becoming the Earl of Beverley, and an objection was made at the time, because Lord Louvaine was known to be at Nice, and could not be supposed to be cognizant of his father's death. The Speaker was appealed to, and in consequence of the view which he took of the question, the House refused to issue the writ till some communication could be opened with Lord Louvaine, and in consequence of this the representation of Berealston was kept open for a considerable time. The House in that and in other cases exercised due caution, and required something more than the mere statement made in the House. He conceived that there was no distinction between the present and the Beverley case, and upon these grounds he held that the further consideration of the question ought to be adjourned till Monday.

Viscount *Howick* said, that when a Member of that House succeeded to a British Peerage, the House required evidence of the writ of summons. It might be desirable to have some such proof in the case of Scotch and Irish Peerages; but no hon. Gentleman on the other side had yet informed the House what the practice was. Did the House, or did it not, require formal evidence as to Members succeeding to Scotch or Irish Peerages? If that were the practice, he thought it hardly possible but that hon. Members on the other side must be aware of it; but neither the present Lord-Advocate nor the late Lord-advocate appeared to know anything of the matter which could at all assist the House; neither they nor the hon. Member for Dublin appeared to know what was the nature of the evidence which the House required. As the duty of the House upon an occasion such as the present, was not to improve the law, but to adhere to the existing practice, whatever it might be, he should, though with some doubt, oppose the motion of adjournment.

Lord *Stanley* said, that the reasons given by the noble Lord who spoke last were such as ought rather to induce him to vote for than against postponement. All that the opponents of the motion asked was, that the question should stand over till the next day the House met, in order to ascertain what the rule was with respect to Scotch and Irish Peerages. Every one was aware that the House, in the case of English Peerages, required technical proof that a vacancy had occurred. Now, with respect to the present case, they did not really know what the practice was, and they had not had time to discover. They did not know whether any proofs or preliminary proceedings were necessary or not in the case of a Scottish Peerage, and he must say that it was rather too much of the noble Lord opposite to require that they should have at their fingers' ends every case upon the subject, when not one on that side of the House had the least idea that such a question would be mooted. It could never have been supposed, that within three days of the death of Lord Mansfield, such a motion would be made in the House of Commons. It was a proceeding unheard of. The recency of the event might be some apology for those who asked for adjournment, not being prepared with precedents, but it was that very circumstance which rendered it so exceedingly inexpedient to adopt the motion. If the hon. Gentleman, the Under Secretary for the Home Department, had brought forward precedents, showing the practice to be such as justified the motion, then the hon. Gentleman should at once have his vote. If the precedents and practice were in favour of the motion, it would not be opposed; but, on the other hand, if the motion were forced forward in this manner, he and his friends would hold themselves justified in pressing the amendment. They were entitled to be made acquainted with the sound and solid grounds upon which they were to be called on to issue this writ, contrary to the practice as regarded English Peerages, and he must say, that the rejection of the amendment would go to establish a most inconvenient precedent.

The House divided:—Ayes 165; Noes 136—Majority 29.

List of the AYES.

A'Court, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Bailey, J.
Baillie, Colonel
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bentinck, Lord G.
Blackburne, I.
Blackstone, W. S.
Blakemore, R.
Bolling, W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Burrell, Sir C.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Dalrymple, Sir A.
Darby, G.
D'Israeli, B.
Douglas, Sir C. E.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Forrester, hon. G.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Goddard, A.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, F. W.
Grimsditch, T.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl
Johnstone, H.
Jones, Captain
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knox, hon. T.
Law, hon. C. E.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Mahon, Viscount
Maunsell, T. P.
Meynell, Captain
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Parker, R. T.
Patten, J. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Powell, Colonel
Praed, W. T.
Price, R.
Pringle, A.
Rae, rt. hn. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Sandon, Viscount
Scarlet, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Stanley, E.
Stanley, Lord
Sugden, rt. hn. Sir E.
Sutton, hon. J. H. T. M.
Teignmouth, Lord
Thomas, Colonel B.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Walsh, Sir J.
Wilbraham, hon. B.
Wilmot, Sir J. E.
Wood, Colonel
Wood, Colonel T.

TELLERS.

Baring, H. B.
Follett, Sir W.

List of the NOES.

Adam, Admiral
Aglionby, Major
Alston, R.
Anson, hon. Colonel
Archbold, R.
Bainbridge, E. T.
Baines, E.
Baring, right hn. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgeman H.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Busfield, W.
Byng, G.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Clay, W.
Collier, J.
Corbally, M. E.
Craig, W. G.
Curry, Sergeant
Dalmeney, Lord
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
Divett, E.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, Sir R.
Easthope, J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, right hon. E.
Ellis, W.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Harland, W. C.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, rt. hn. T. B.
M'Taggart, J.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor, Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, F.
Palmerston, Viscount
Pattison, J.

Pechell, Captain
Phillips, Sir R.
Philips, M.
Philips, G. R.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, E. R.
Roche, E. B.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, J. A.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Standish, C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wood, G.
Worsley, Lord
Wrightson, W. B.
Wyse, T.

TELLERS.
Parker, J.
Stanley, E. J.

Affairs of Turkey.] Sir *R. Peel* said, that before the House went into Committee of Supply, he wished to put a question to the noble Lord, the Secretary for the Foreign Department. The question had reference to the following paragraph in the speech of her Majesty at the opening of the present Session;—

> "The affairs of the Levant have continued to occupy my most anxious attention. The concord which has prevailed amongst the five Powers has prevented a renewal of hostilities in that quarter; and I hope that the same unanimity will bring these important and difficult matters to a final settlement in such a manner as to uphold the integrity and independence of the Ottoman empire, and to give additional security to the peace of Europe."

He wished to ask the noble Lord whether the proper construction of that passage was, that the five Powers were unanimous in their opinion that the integrity and independence of the Ottoman empire should constitute the basis of that settlement. He wished, in fact, to know whether the unanimity of the five Powers extended to maintaining the integrity as well as the independence of the Ottoman empire. If so, he begged to ask the noble Lord whether that unanimity still continued, and whether there was any immediate prospect that the affairs of the Levant would be brought to a final settlement at an early period?

Viscount *Palmerston* said, that, undoubtedly, the passage in her Majesty's Speech which had been just read by the right hon. Baronet expressed a hope that the five Powers would be as unanimous in a settlement of these affairs, founded on the basis of the integrity and independence of the Ottoman empire, as they had been unanimous in preserving peace in that quarter; and that hope was founded —1st, on the opinions entertained by her Majesty's Government; 2ndly, on the opinion expressed in the speech of his Majesty, the King of the French, at the opening of the session, in which the integrity and independence of the Ottoman empire were especially mentioned; and 3rdly, on the knowledge of her Majesty's Government as to the opinions entertained by the three other Powers on the subject. With regard to the second question of the right hon. Baronet, he could only say that these matters were now the subject of negotiation between the five Powers; and he was sure the right hon. Baronet was the last person who would wish him to enter into any premature declaration as to the position in which the parties to that negotiation might stand.

Sir *R. Peel* said, he had asked a third question, which was, whether there was any prospect of these affairs being brought to a settlement at an early period.

Lord *Palmerston* could not anticipate the period; he could only say that the subject occupied the most anxious attention of her Majesty's Government. They were in communication with the other four Powers on the subject, and he believed all were impressed with the great importance of bringing it to a final settlement at as early a period as was compatible with its complicated nature.

Subject dropped.

Lord J. Russell moved the Order of the Day for going into Committee of Supply.

Portugal — Claims of British Subjects.] Viscount *Sandon*, in pursuance of the Motion of which he had given notice, wished "to call the attention of the House to the petition of British subjects, claimants on the Government of Portugal," which was presented to the House a few days ago. The

House was aware of the nature of those claims, as he had taken the liberty on a former occasion of bringing them under its notice. The men who had been induced by the policy that was pursued by the Government of this country to enter into the service of Don Pedro in 1832 had afterwards been called on by the Portuguese government to abandon the conditions on which they had entered the service and accept others. That, however, they had refused, and in consequence of that refusal they had suffered the greatest hardships. It was hardly necessary to give the House an account of the atrocious conduct of the Portuguese towards those unfortunate men, it was too well known. They had been put into dungeons, deprived of every means of sustenance, and reduced almost to a state of nakedness; and yet those were the men who had been extremely serviceable in placing the present Queen of Portugal on the throne. Every species of fraud had been resorted to to make them lessen or give up their claims, and they were refused every shilling of what was due to them, unless they gave receipts in full admitting all sorts of fraud. Of their pay, from 1833 to 1835, they had not, to this day, received any part whatever. And how had that been contrived? By appointing commission after commission, for no other purpose than promoting chicanery and delay; and in the mean time those unfortunate men had been wandering about the streets of Lisbon, having in vain solicited relief from her Majesty's Government, and at length many of them in despair had destroyed themselves. In the month of August last, the noble Lord, the Secretary for the Foreign Department had interfered in this matter, and had made an application to the Portuguese Government for a joint commission, to sit in London, and inquire into these claims of her Majesty's subjects. That communication, however, having been rejected on the part of the Minister for Foreign Affairs in Portugal, the noble Lord proceeded, in October last, to make a still more peremptory communication. Lord Howard de Walden was instructed to repeat the application to the Portuguese Government, that they should appoint a commission in London, for the purpose of inquiring and deciding about the claims of British subjects in Portugal; and in the event of their refusing to do so, then he had orders to declare that her Majesty's Government would be under the necessity of naming commissioners of her own, who should inquire and find what was due to her subjects from the Portuguese Government; and that such amount as was due to them, her Majesty would feel bound to demand and extort from the Portuguese Government. That application, however, also remaining without effect, Lord Howard de Walden had been further instructed to inform the Portuguese Government, that he had received orders to demand from them immediate payment of the claims of her Majesty's subjects. That was on the 9th of November, and what advance had been made towards a settlement of those claims? None whatever. The only change in the circumstances was this—that a change of Government in Portugal had taken place, and that the present Minister of Foreign Affairs was a still more decided opponent to the claims of these men than the former one. It was true that two commissions had been sitting, nominally for the purpose of inquiring into those claims; but to show how inefficient they had been, he need only state, that the second commission, which had sat for three years, had decided only on one claim, and that was an amount of 40*l.* He asked nothing extraordinary in this case, but only that her Majesty's Government should carry out their own stated intentions of enforcing on Portugal that course which, in similar circumstances, had been pursued with regard to the Court of Spain. We heard nothing of French claims, or Belgian claims, or American claims; it happened in this, as in all other cases, that the claims of other countries obtained satisfaction, while those of Great Britain remained unsatisfied, and, in this instance, the country which withheld satisfaction from British subjects was one which owed everything to British assistance. He had no personal concern whatever in this question; it had accidentally fallen under his notice, and having perused the documents relating to it, he was determined that so just a cause should not fail for want of an advocate. The noble Lord concluded by moving, that an humble address be presented to her Majesty, praying that her Majesty would be pleased to appoint a commission to sit in London forthwith, to investigate the claims of British subjects upon the Crown of Portugal for military services rendered to that power, and that her Majesty would be pleased to take speedy and efficient measures with the Government of that country, for procuring an immediate settlement of the claims so to be established.

Viscount *Palmerston* was very much disposed to agree with the noble Lord who had just sat down in a great part of what that noble Lord had said with respect to the conduct of the Portuguese Government. Undoubtedly, the conduct of the successive administrations of Portugal towards men to whom the Queen of that country was deeply indebted, was entirely deserving of reprobation, but the noble Lord was mistaken in supposing that her Majesty's Government had been less urgent in their applications to the present than in those which they had addressed to the former administrations of Portugal for the purpose of procuring the concurrence of the Portuguese government in the appointment of a commission which should sit in London. It was true that when the present Portuguese ministry first came into office, and professed a sincere desire to do justice to the claims of British subjects, it did appear to her Majesty's Government to be fitting and becoming to give that ministry an opportunity of taking a short time to make the necessary arrangements to carry its good intentions into effect, but when it appeared that, whatever might be the inclination of the Government, results did not follow in as swift and satisfactory a manner as we were entitled to expect, the Government of this country addressed to the Portuguese minister the communication which had been mentioned by the noble Lord opposite. An answer to that communication was daily expected. The Portuguese government had been told that the Government of this country could not expect justice from any commission sitting in Lisbon, and that no arrangement could be satisfactory but the appointment of a commission which should sit in London, and the Portuguese government was also told by that communication, that if it would not concur in the appointment of such a commission, the British Government would do that which the noble Lord opposite proposed to effect by an address to her Majesty. The address for which the noble Lord had moved would, in fact, merely ask the Government to take that course which was intended to be taken. On these grounds, he requested the noble Lord to suspend his motion for an address to her Majesty until it should be seen what answer should be returned by the Portuguese government. If that government should agree to the proposition which had been made to it there would be no ground for the proposed address. He thought he had now exculpated himself with respect to the charge that her Majesty's Government had been less pressing with the present Portuguese ministers than it had been with former administrations on the subject of these claims. He suggested to the noble Viscount the expediency of postponing his motion for the present, since it was possible that the Portuguese Government might agree to the proposition which had been made to it on the part of this country, and then the noble Lord's motion would fall to the ground.

Sir *H. Hardinge* was not acquainted with all the circumstances connected with these claims, but he knew that some British subjects who had served in Portugal, had been driven by the injustice of the Portuguese Government to acts of mutiny, and had then been punished for those acts by being treated like galley slaves. It was quite notorious that British subjects had brought about the restoration of the present dynasty to the throne of Portugal, and that to their resolution and discipline the present Queen of Portugal owed her throne. Nevertheless, when those men put forth their just claims, they met with such treatment as drove them to acts of mutiny; and was it possible to conceive that the representative of the English Government at Lisbon could see these persons chained together, and forced to clear all kinds of filth from the streets, because they had pressed for a settlement of their just demands, without making representations on the subject to the Portuguese Government? He thought the noble Viscount, the Secretary for Foreign Affairs, had fairly stated the case so far as regarded the interference of the British Government; but that the noble Viscount had not satisfactorily shown how it was that, for five years, those men had not been able to obtain a satisfaction of their claims. That appeared to be the pinching part of the question. He did not know all the facts of the case, but, in general, he disapproved of men enlisting for pay in the service of a foreign state, without the consent of their own Government, and he thought that such a proceeding should be discouraged, and not encouraged; still, when British subjects were exposed to such infamous and shameful treatment as they appeared to have suffered in this case in the public streets of Lisbon, he could not but think that it showed a want of energy on the part of her Majesty's representative at that court.

Mr. *Hume* did not know in what way the British Government had sanctioned the services of these individuals to the Queen of Portugal: if any sanction had been given by the Government, the Government ought long ago to have required satisfaction from Portugal; but if these men had engaged themselves, without the knowledge or sanction of Government, they had no right to call upon Government for assistance in the prosecution of their claims.

Mr. *O'Connell* said, that it did not lay in the mouth of Portugal to deny the authority by which these men acted when she had availed herself to the utmost of their services, and had by means of them obtained a completely successful result. A more perfect case could not be than that which those individuals had against the Portuguese Government. They had placed upon the throne of Portugal one of our allies, who, but for their bravery and success, would be now an outcast in a foreign land. He did not object to the postponement of the motion for a short time, to see what course would be taken by the Portuguese Government, although he felt sure that the claims would never be satisfied until peremptory steps were taken to enforce them.

Viscount *Palmerston* said, with reference to what had fallen from the hon. Member for Kilkenny, that the services of those individuals had not been sanctioned by the Government, but that that circumstance did not lessen the obligation of the Portuguese Government to satisfy their demands; and with regard to the statement made by the right hon. Baronet opposite (Sir H. Hardinge), he begged leave to say, that it was a mistake to suppose that no representation had been made to the Portuguese Government by her Majesty's representative at Lisbon upon the subject to which the right hon. Baronet referred; representations had been made, and were considered to have been efficacious.

Sir *H. Hardinge* thought that those representations must have been rather tardily made, for it appeared that the men had been chained together, and employed in all kinds of dirty offices, for several weeks; they were, in fact, paraded about the streets, and forced to act as the scavengers of Lisbon.

Viscount *Sandon* would consent to withdraw his motion, in compliance with the suggestions offered to him from both sides of the House, but he had no hope of justice from anything short of compulsion.

Motion withdrawn.

The Trade in Opium.] Mr. *Herries* begged to put a question to the hon. Secretary for the Treasury. He wished to know whether any communications had passed between the Treasury and the applicants for compensation for opium destroyed in China since the date of the last communication, in which the hon. Secretary had informed them that it was not the intention of the Treasury to make any application to the House for a vote to meet their claims?

Mr. *R. Gordon* said, there had been no written application from the parties, nor any communication to them from the Treasury, since the date of the note referred to by the right hon. Gentleman.

Mr. *Herries* repeated his inquiry,—if there had been no intimation of opinion given to the parties since that time on the part of the Treasury?

Mr. *R. Gordon* replied—No intimation whatever. All that had taken place was the mere fact that certain formal notices had been served at the Treasury by notaries public.

The House resolved itself into a Committee of

Supply—Navy Estimates.] Mr. *More O'Ferrall*, in rising to move the navy estimates, begged the indulgence of the House in discharging a duty at all times difficult, but particularly so when undertaken for the first time, and under the necessity of asking for a considerable increase on the estimates of last year. The number of ships of all classes in commission on the 1st of January, 1839, was 224, and on the 1st of January, 1840, the number was 239, being an increase of 15 ships of all classes in commission. It was not necessary for him to refer to the circumstances which had rendered necessary that increase of naval force, the committee being perfectly aware that the amount of force was arranged by the Government at large, the Board of Admiralty having no control over it whatever. The amount of excess this year on the gross estimates of last year was 395,477*l.*; but the credits in aid, which are variable every year, were large last, and unusually small this year; it was, therefore, necessary to vote 461,544*l.* in excess this year over the vote of last year. He thought he should best consult the wishes of the committee by proceeding at once to state under the different heads in the estimates, the amount of increase on each vote, and the grounds on which it was proposed. In No. 1, the vote for wages, it would be necessary to ask the committee for an increase of 1,000 men. On the 1st of January this year, the number of men borne on the books was 1,211 above the number borne on the 1st of January last year, and it would be necessary, therefore, to ask the committee to assent to that increase, and a sufficient sum to pay them. On No. 1, there would be an increase this year of 60,000*l.*, of which 36,700*l.* would be applied to the payment of 1,000 men, and the remainder for the increase of pay to petty officers, surgeons in small ships, engineers, and naval instructors in ships of the line. These heads of expences were explained to the House on a former occasion by his hon. Friend the Member for Halifax, as well as the grounds on which the alteration was made, and he believed the statement had given considerable satisfaction, not only to the committee, but to the naval profession in general. Under the second head, entitled "Provisions for men," the increase was 50,597*l.*, arising partly from the increased number of men to the extent of 18,690*l.*, and 23,000*l*, caused by a large increase in the price of the principal articles of provision. The demands from other departments will amount to 8,685*l.* On that point, the committee were aware that the Board of Admiralty had no control, and therefore were in no respect to be held responsible for the increase of the estimate. In No. 3 there was an increase on the vote, but not one which would fall on the country, by 6,000*l.* for postage. In Nos. 4, 5, 6, 7, with a small decrease under some heads, there was still an increase of 2,881*l.* In No. 8, for the wages of artificers, labourers, and others employed in her Majesty's establishments at home, the increase amounted to 60,664*l.*, of which 50,664*l.* would be applied to the payment of an increased number of artificers and labourers in the naval yards, and 10,000*l.* to the construction of steam-engines at the manufactory at Woolwich, and the repair of steam-engines. Since 1836 there had been a gradual increase of ships in commission every year. They had gone on building an increased number of steamers and small ships, of which the navy stood in great need; consequently the attention of the officers of the dock-yards, had been diverted from the building of large ships. From the peace establishment of 1819, and for a considerable period afterwards, it was not necessary to pay much attention to the construction of large ships. At the close of the war we had a great number of such ships lying in ordinary; and up to 1830, scarcely any progress was made by the foreign Powers in increasing their naval force. But since that time, great attention had been paid to the subject, not only by France, but by every other naval state in Europe, and it therefore became us, if we wished to maintain our maritime supremacy, to give attention to the subject in time, and by providing an additional number of large class ships, to take the best, the cheapest, most efficient, and most desirable means of preserving the peace of the world. It was with that view, therefore, that the Government, even in the midst of the present financial difficulties, looking to the great importance of preserving the naval supremacy of the country, had not hesitated in coming down to the House, and proposing what some would consider a large increase of the estimates. In No. 9, the foreign yards, the increase was small, being only 900*l.*, which was caused by the sending to Jamaica and to Malta, engineers for the repair of steamers, and also by the payment of a naval builder sent to India, where it was proposed to construct ten large ships, and to convey home in them the frames of ten more, inquiries being now in progress by an officer resident at Trincomalee for that purpose. In No. 10, the increase was also large for naval stores. The increase proposed last year was considerable, and this year it amounted to 136,153*l.*, of which a portion would be applied in providing the necessary stores under the head of standing contracts, and a still larger portion to increase the works in the dockyards and supply stores for the construction of large ships. It had been stated by his hon. Friend the Member for Halifax, that we had consequently proposed that a balance-sheet should every year be laid on the table, which would enable the committee to detect any irregularity of this kind; and he was now bound to say, that though he then thought that it was not practicable to calculate the estimates so accurately as this plan supposed, yet when his right hon. Friend's plan was put in execution, he was surprised at the extraordinary accuracy of his balance-sheets and the coincidence between the sums expended and the sums voted, as displayed in the balance-sheets. But still he was clearly of opinion that whenever any emergency arose, such accuracy could not be looked for, and was impracticable. Accordingly, in 1839 as great irregularities had occurred as any the House had ever seen in the years with which he was connected and sums had been taken from one piece of service and applied to make up a deficiency in another, just as before. The charge made against the Admiralty of which he had formed a part was, that they had made up the deficiency of the vote for wages, by applying to that purpose part of the money voted for the purchase of stores. This they were able to do, without detriment to the public service, for though they had allowed the stores of hemp to run extremely low, because the hemp was very bad in that year, yet he believed that the right hon. Baronet, when he came into office, found that all the stores, excepting hemp, were ample. Now, he found that in the last year there was 100,000*l.* voted for wages and victuals, which was not expended on those heads of service, and 100,000*l.* expended on stores more than voted, exactly balancing the deficiency upon the number of men voted. But the number of men actually voted ought to have been employed during the year. If any one would compare the number of men voted with the full peace complements of the ships in commission last year, he would find that those complements were 2,000 men short; he would find that the Admiralty at the present moment were liable to the same charge as to the number of men voted. The House had been told that the ships in the Mediterranean were on peace establishments. Now, he (Sir George Clerk) said, that considering that other nations always kept their ships there fully manned, it was not good policy to keep our ships below their full complements, as appointed by the order in council for the time of war. On this head he would request the attention of hon. Members to paper A, which lay on the table, and was explanatory of these points, respecting the number of men which they were about to vote. The hon. Secretary for the Admiralty had told them that it was necessary to maintain the whole number of men now afloat. Now, he (Sir G. Clerk) found that the number of men necessary to give full complements to the ships at present in commission was 26,524; but the number actually afloat was only 24,076; so that the complements in these ships were 2,448 short of what they ought be. But this was not all; for he believed that most ships that were on the Mediterranean left England with short complements. The Powerful, after remaining three months in order to complete her number, was still obliged to leave with a short complement. The same thing happened to the Benbow. Now, it was clear, that if ships had short complements when they were sent out, instead of carrying supernumeraries in order to make up for casualties in the crews of the ships now in the Mediterranean there must be considerable deficiencies even in the peace complements of those ships. After the answer of the noble Lord, the Secretary for Foreign Affairs, respecting our negotiations with Turkey, he could assure the House that he was very unwilling to state any thing that could bear on that point; but he must say that, whatever might be the circumstances which required 12 line of battle ships in the Mediterranean, nothing, in his opinion, could justify keeping up there so large a force, except the object were to exert a moral influence; and if this were the object, he said the force was not enough, because England ought to have not only as many ships there as any other power, but, above all, it ought to be carefully provided that the ships should have an efficient number of men aboard; for he believed that no naval officer would contradict him when he said that if a collision arose he had rather engage with five ships well manned than with eight, or even ten, imperfectly manned. What was the state of things in the Mediterranean? Last year England had nine sail of the line there; the French had eight sail of the line; now we had increased from nine to twelve, while the French had increased from eight to fifteen, mates, he had not done so, because he thought that the vote of each year ought to stand on the particular circumstances of that year, and because he was unwilling to offer any observations which could have the effect of calling away the attention of the committee from the subject immediately before it. This he felt he should have been wrong in doing; he had always heard in that House, that the question of the navy estimates ought not to be made a party question, and thinking so, he would content himself by moving, without further remark, that 35,165 seamen be voted for the year ending 31st March, 1841, including 9,000 Royal Marines, and 2,000 boys.

Sir *G. Clerk* said, it was not his purpose to object to the very distinct and intelligible manner in which the hon. Secretary of the Admiralty had gone through the various items of the estimates as compared with those of the last year. He had no objection whatever to offer to any part of the hon. Gentleman's statements. But, at the present moment, when the efficiency of the naval service had called forth so much attention in the country, he must say, he regretted that the hon. Gentleman had not gone more fully into the reasons which were considered to justify an increase of 1,000 men in this vote as compared with that of last year. Still he had not the slightest objection to that increase; on the contrary, having felt it his duty last year to object that the navy was not manned adequately, he should be guilty of inconsistency if he objected either to an increase of men, or of the stores placed at the disposal of the Admiralty, on this occasion. However, he thought the increase in the estimates was certainly very large, and he was sure that if the Admiralty applied due care and circumspection in the expenditure, he should feel no doubt about there being a proper amount of stores in the arsenals, nor any apprehension of the efficiency of the ships which would be fitted out. With such sums at their disposal he should feel that the Admiralty would incur a very heavy responsibility if we should suffer any injuries to be done to British property off our own coasts, or any insult to be offered to the British flag in any part of the world. These estimates, he repeated, were very great, and very much greater than the navy estimates of late years. Any person who heard that the House was voting 5,659,051*l.* for the naval service of the year, must think the vote adequate to the demands of a period of war. This was a larger vote than had been asked in 1830, when it was last his lot to propose the navy estimates to the House; and he found, on comparing the whole of the heads, that instead of any diminution, there was an increase on all the heads above the last vote taken by the Board of Admiralty, under the Government of the Duke of Wellington. It had been made a charge against that Board of Admiralty, that in 1829 and 1830 they had a greater number of ships in commission, and a greater number of men afloat than were voted in the estimates. That arose from a practice which had prevailed previous to the accession of his right hon. Friend the Member for Pembroke (Sir J. Graham) to the office of head of the Admiralty, of voting in the estimates the number of men who would be wanted to be retained on foreign stations, without including the reliefs. When, therefore, ships were sent out from home to relieve those on foreign stations, until the ships they were to relieve arrive at home, and were paid off, they were obliged to employ a considerable number of men more than were voted Owing to the peculiar circumstances of the east of Europe in the year 1830, representations were made to the Government, of such a nature that it was found impossible to send home any of the ships in the Mediterranean. In that year they had 33,000 men afloat; but while 5,594,000*l.* was all they asked of the House, 5,300,000*l.* was all that was expended; so much less was their estimate than the present. It was true that the Admiralty charges had since been burdened with the whole expense of the Post-office packets, which was stated last year at 105,000*l.*; but the committee would also remember, that the Admiralty of 1830 had to provide for the charge of protecting the revenue along the coasts of Kent Sussex, and that they had also several cruisers in the Channel for the protection of the revenue. He had been more particular in calling the attention of the House to the subject of the excess of men in 1830, because it had formed a charge of irregularity against the Admiralty of that period, that they had taken the surplus of what was voted for one head of service to supply deficiencies in another. His right hon. Friend the Member for Pembroke had consequently proposed that a balance-sheet should every year be laid on the table, which would enable the committee to detect any irregularity of this kind; and he was now bound to say, that though he then thought that it was not practicable to calculate the estimates so accurately as this plan supposed, yet when his right hon. Friend's plan was put in execution, he was surprised at the extraordinary accuracy of his balance-sheets and the coincidence between the sums expended and the sums voted, as displayed in the balance-sheets. But still he was clearly of opinion that whenever any emergency arose, such accuracy could not be looked for, and was impracticable. Accordingly, in 1839 as great irregularities had occurred as any the House had ever seen in the years with which he was connected and sums had been taken from one piece of service and applied to make up a deficiency in another, just as before. The charge made against the Admiralty of which he had formed a part was, that they had made up the deficiency of the vote for wages, by applying to that purpose part of the money voted for the purchase of stores. This they were able to do, without detriment to the public service, for though they had allowed the stores of hemp to run extremely low, because the hemp was very bad in that year, yet he believed that the right hon. Baronet, when he came into office, found that all the stores, excepting hemp, were ample. Now, he found that in the last year there was 100,000*l.* voted for wages and victuals, which was not expended on those heads of service, and 100,000*l.* expended on stores more than voted, exactly balancing the deficiency upon the number of men voted. But the number of men actually voted ought to have been employed during the year. If any one would compare the number of men voted with the full peace complements of the ships in commission last year, he would find that those complements were 2,000 men short; he would find that the Admiralty at the present moment were liable to the same charge as to the number of men voted. The House had been told that the ships in the Mediterranean were on peace establishments. Now, he (Sir George Clerk) said, that considering that other nations always kept their ships there fully manned, it was not good policy to keep our ships below their full complements, as appointed by the order in council for the time of war. On this head he would request the attention of hon. Members to paper A, which lay on the table, and was explanatory of these points, respecting the number of men which they were about to vote. The hon: Secretary for the Admiralty had told them that it was necessary to maintain the whole number of men now afloat. Now, he (Sir G. Clerk) found that the number of men necessary to give full complements to the ships at present in commission was 26,524; but the number actually afloat was only 24,076; so that the complements in these ships were 2,448 short of what they ought be. But this was not all; for he believed that most ships that were on the Mediterranean left England with short complements. The Powerful, after remaining three months in order to complete her number, was still obliged to leave with a short complement. The same thing happened to the Benbow. Now, it was clear, that if ships had short complements when they were sent out, instead of carrying supernumeraries in order to make up for casualties in the crews of the ships now in the Mediterranean there must be considerable deficiencies even in the peace complements of those ships. After the answer of the noble Lord, the Secretary for Foreign Affairs, respecting our negotiations with Turkey, he could assure the House that he was very unwilling to state any thing that could bear on that point; but he must say that, whatever might be the circumstances which required 12 line of battle ships in the Mediterranean, nothing, in his opinion, could justify keeping up there so large a force, except the object were to exert a moral influence; and if this were the object, he said the force was not enough, because England ought to have not only as many ships there as any other power, but, above all, it ought to be carefully provided that the ships should have an efficient number of men aboard; for he believed that no naval officer would contradict him when he said that if a collision arose he had rather engage with five ships well manned than with eight, or even ten, imperfectly manned. What was the state of things in the Mediterranean? Last year England had nine sail of the line there; the French had eight sail of the line; now we had increased from nine to twelve, while the French had increased from eight to fifteen, which was the number of ships they had in commission in the Mediterranean at present. Some of their ships were of the largest class. There were two of 120 guns, one of 100, two of 90, four of 86, and ten of 80. He could give the names of the ships, if necessary, from the French official lists. Another 90-gun ship had lately been commissioned at Rochfort. If, therefore, it was our object to enforce the policy of the noble Lord, we ought to have a larger fleet in the Mediterranean. The hon. Member for Halifax last year quoted an observation of the Duke de Choiseul, that if it was the object of France to embarrass this country without committing herself, no more effectual course could be adopted than by exciting the fears or the jealousy of England, to oblige her to keep the fleet of this country on a war establishment. We were, therefore, falling into the trap of the Duke de Choiseul—that is, we were increasing our force in the Mediterranean, but not to sufficient extent to enable us, notwithstanding the expense, to hold this language to France, that she had a force there which ought to excite jealousy. He had been greatly disappointed, that in the statement of the Secretary of the Admiralty he had made no allusion to two important alterations which it was said were in contemplation when the navy estimates were under discussion last year. One was the increase of the crews of the ships.

Mr. *O'Ferrall:* The complement was only 3 per cent below that of 1815.

Sir *G. Clerk* said, that this was no criterion, because the size and scantling of the ships were different in 1815. It was the duty of the Admiralty to keep up the armaments to their full complement. They would see the great difficulty they would have to contend with when they increased the number of ships. When a ship was paid off, it was not difficult to get the men to enter a new ship; but if they wanted an additional 1,000 or 2,000 men from the merchant service, they would find extreme difficulty in getting them; so that every expedient should be resorted to for keeping men in our navy. One resource formerly was the coast blockade; but that was done away, and the coast guard substituted. It had been stated by the Secretary of the Admiralty, that the coast guard was not in so efficient a state as had been contemplated. He understood that a commission had issued to place the coast-guard in a more efficient state than it was at present; he wished the hon. Secretary had stated if any thing had been done on that subject. He concurred with him in thinking that the subject of the navy ought not to be made a party question; and that every means should be resorted to to put the navy in an efficient state. He was afraid that little advantage could be derived from the men in ordinary; the whole number—the greatest number—taken in the year did not exceed 500 men. That was not a number adequate for the services of the country at this moment. He must again advert to what he had pressed upon the committee last year—the distribution of our naval force and the facilities of increasing it on a sudden emergency. He understood that there were twenty-one sail of the line in commission; of that number, twelve were in the Mediterranean; three first-rates were guardships at home, having only one-third of their complement; of the remaining six, three were destined for the Coast of China, and two were stationed in the Tagus; so that there was not one to have recourse to on any sudden emergency. If ships were necessary in the East Indies or the West Indies, South America or North America, for the protection of our commerce, there was not within reach a single line-of-battle ship for the purpose. Why, he would ask the noble Lord, should we keep three line-of-battle ships in the Tagus? One of them had been lying there for three years, without lifting an anchor. Why should the flag-ship of Admiral Gage, or that of Admiral Omanney, remain in the Tagus for months and years without moving? The House had heard the confession of the noble Lord, that he had no influence with the Portuguese Court. He should like to know what the answer of the Portuguese government would have been if the noble Lord had said, "I shall withdraw the British line-of-battle-ships from the Tagus." What was the object in keeping them there? Was it necessary, in order to keep Donna Maria on the throne of Portugal, that we should incur an expense of 100,000*l.* a-year, for three line-of-battle ships for five years, which cost the country half a million of money? If the noble Lord could show that the Portuguese government was exposed to difficulties and embarrassments on account of British interests, there might be some excuse; but after the statement of the noble Lord, that at Lisbon (and the same thing might be predicated of him at every capital in Europe) he had no influence whatever, why was the country put to this expense for no purpose? The Blenheim had been withdrawn to go to China, because we had no other ship to send. What had been the consequence of having no reserve at home? In July last year we had the first intelligence of the rupture with China. If we could have immediately despatched a sufficient force to Canton, an adjustment might have been brought about with much less difficulty than now. But we had no reserve; it was necessary to wait from July, 1839, to February, 1840, and then the Blenheim was despatched, and two frigates had only just sailed from Portsmouth. He doubted whether we had a sufficient force in the East Indies to spare a ship of the line; at all events, none had reached China. If it was necessary to have a force in the Mediterranean, we were obliged to leave the coasts of this country unprotected, and all our arrangements as to Turkey might be upset by a Russian fleet. He believed that Government were in possession of some information respecting the Russian fleet in the Baltic, and that no gallant admiral, at a dinner, or anywhere else, would now talk of the Russian fleet as a "pasteboard squadron." He wished the hon. Gentleman had given the committee some information respecting the state of ships in ordinary He had been happy to hear that it was intended to recommence building new line of battle ships, and that two new first class ships had been laid down at Pembroke. As to the ships in ordinary, many were fifteen and twenty years old, consequently in a decayed state. He feared that during the last year there had not been that minute visitation of ships in ordinary by personal examination, as was the practice a few years ago. He thought there would be gross neglect if the ships in ordinary were not now put in good condition. Last year the Secretary of the Admiralty had stated, that there had been a considerable addition to the number of artificers, which was increased to 7,591, and the number had been now further increased 800, making the total number 8,391—a number so near the greatest amount in time of war, that, he repeated, the Admiralty, with such means at their disposal, would be guilty of the grossest neglect of duty, if they did not in a short time, remove from the minds of the people of this country the impression that our navy was in a weak and ineffective state. If Great Britain was to maintain the proud pre-eminence of a great naval and maritime power, it was necessary to build ships, however inconvenient the expense might be. He was happy to hear that it was the intention of the Board of Admiralty to lay down ships of large class, and new line of-battle ships. He regretted that the system had been dropped for some years, and he believed the consequence would be, that it would add very materially to the expense the country would incur. The policy of the Government had placed the nation in that state of feverish anxiety which the Duke de Choiseul said would be the most effectual means that could be adopted by those who wished the downfall of England—namely, that of being compelled to keep up a large establishment. Believing the country had the means, if required to exert them, of putting forth its full strength, and confident that the Government had means of information not within the power of persons on that (the Opposition) side of the House, of the circumstances connected with our foreign relations, which justified our keeping up so large a force, he was not disposed to offer any opposition to the vote of 35,000 men.

Mr. *O'Ferrall* said, the complements of ships had been increased, but not according to one uniform per centage. Thus the Pique, which had formerly 275 men, now had 306; the Blonde, which had 275, now had 280; the Andromache, which had formerly 175, had at present 185. With respect to the vessels sent to China, it would be better not to enter upon that question at present. He could assure the .hon Baronet, that the state of the ships in ordinary had not been neglected; that they were regularly surveyed, and a report made of the state of each ship, and their condition was most satisfactory: we could send out a fleet much larger than any other country, he might say almost as large as any two countries.

Mr. *Hume* did not understand why this country should maintain a war establishment in time of peace, because France and Russia chose to increase their navies. If such a principle were adopted, it would be impossible for this country ever to enjoy the benefits of peace. The House was called upon to increase the naval force of the country at a moment when the speech from the throne declared that the greatest concord subsisted among the five great powers. He, however, believed that any thing but concord prevailed among those powers. To our interference he attributed the state of hostility still existing between Turkey and Egypt, and he regretted to find, that the Government of this country was acting in harmony with that power which was the most anxious for war, and the greatest enemy of Turkey: he alluded to Russia. The desires and intentions of that power were completely advanced by the British Government, and this was the real reason why an increase of force was required, for peace was endangered by the policy we were pursuing. Russia and the noble Lord (Palmerston) had lately contributed to the maintenance of those differences between Turkey and Egypt, which were so fatal to the resources of the Porte. Mehemet Ali had agreed to pay the tribute, and to accede to a settlement of affairs, but England had stepped in and prevented him, for on the 28th of July a representation was made to the Divan, in the name of the five powers, forbidding that body to ratify the agreement previously entered into on the 26th of the same month. The statement had gone forth that the British minister had insisted on our fleet being sent to Alexandria, to attempt, in conjunction with the fleet of Mehemet Ali, the destruction of the Turkish fleet. The bad and mischievous policy pursued by this country had rendered an increase of force necessary. The idea prevailed abroad, that Russian counsels were more favourably listened to by the British Cabinet, than the counsels of France, and he feared it was the case. Yet this country was bound, by every feeling, to maintain terms of amity with France; for both countries had the same interest to preserve the peace of Europe, and both were engaged in the amelioration of their institutions. He therefore regarded any circumstance which tended to alienate France from this country as a most unfortunate occurrence. It was absurd to suppose that France had any designs on Egypt. She could never maintain a possession there but at an immense cost, and after a struggle she would eventually be compelled to abandon it. He felt assured, that by our mistaken policy we were promoting the object we wished to prevent—the partition of Turkey; and he protested against the increase of force, which the people of England must be taxed to maintain, and which was rendered necessary purely by the false line of policy pursued by the British Government.

Lord *Ingestrie* thought that the speech of the hon. Member who had just sat down advocated the interests of France rather than those of England. The Secretary of the Admiralty, in introducing the navy estimates to the notice of the Committee, with great good taste, had abstained entirely from allusions of a party character, in which he thought the hon. Secretary was deserving of great praise. He had always felt, that on subjects connected with the navy the interests concerned were of such an important character, that the House ought to lose sight of all party considerations, and unite in doing what was, on the whole, the best for the interests of the country. However much, in the present state of the finances of the country, they must regret any increase of the expenditure, he could not but rejoice that the Government had come down and asked for an increase of men, and also for a large vote for increasing the building and general resources of the navy. He would not enter into the grievances and wants both of the officers and men of the navy; he trusted that those grievances had been fully considered in the naval and military commission, whose report they were waiting for most anxiously, to see what was done to relieve the pressure on many officers in both services. When the navy estimates had been brought forward last year, an argument had been thrown in the teeth of Members on that (the Conservative) side of the House, that they had endeavoured to show the weakness and inefficiency of the navy, as opposed to the navies of other countries. He was free to confess, that it was a disagreeable thing for this maritime country to have its weaknesses exposed; but he thought it much more essential that we should know our weakness, than go on in fancied security, and expose ourselves to danger when least expected. He was led to make these statements from a comparison of the navy lists of France and England, and also of Russia. The House would hardly credit the extent to which the French navy had lately been increased. He would, with the permission of the House, read a statement of the extent of the French navy, as published in the official navy list in January of this year, and compare it with that of our own navy, as seen from the *Navy List*. The French had now in commission two ships of 120 guns, one of 100 guns, three of 90 guns, four of 86 guns, four of 80 guns, one frigate of 60 guns, one of 58 guns, five of 52 guns, and five of 46 guns, two armed *en-flute* to carry troops. Now, we had 22 line-of-battle ships in commission; out of these three three-deckers were lying in the ports. We had two ships of 120 guns, and one of 104 guns. These ships were manned at one-third of their complement of hands, and he was credibly informed, that such was the shortness of the manning in the Britannia in particular, that they were actually obliged to put petty officers to the oar on any state occasions which occurred, and the marines were employed in the boats of that ship. A great deal had been said with respect to the men in that ship. They had recently been very much increased in number, and that showed the propriety of discussing these matters, both in and out of the House. The Government, which had always said, that the ships were perfectly well manned before, had given a practical denial of their own statements, by adding to the complement of hands on board this ship. Now, to make a comparison of the state of the ships of the two services, the Committee must bear in mind, that the French had a very large proportion of frigates as compared with us. We had altogether, of all sorts, only eight or nine frigates in commission. Out of these we had only two of 50 guns, and those were of a moderate scantling in comparison with those more recently built. In the Baltic there were 28 sail of the line of Russian ships; in the Black Sea there were also 14 sail of the line of Russian ships—very large and efficient ships he could state as an eye-witness; Russia had also a great proportion of very large and heavy frigates. Now, what he contended was, with respect to the different armaments and our keeping an armament afloat, in comparison with other countries, that it was our duty so to conduct our negociations, that, if possible, we might prevent the necessity of having such large armaments afloat, or that we should have our armaments fit to enter into collision with any country if it were required. He was also of opinion that we were much more likely to preserve the peace by showing the world at large that we were ready to meet an enemy whenever called on. He did not say this with the view of provoking any hostile feeling to any country whatever; but when we saw other countries increasing their fleets, we were perfectly warranted in putting our naval armament in the best possible condition. He must also observe, before he left this point, that the French had one ship of 120 guns, three of 80 guns, and one of 46 guns, all ready for sea; and they were building four of 120 guns, twelve of 100 guns, nine ships of 90 guns, and two of 80 guns; whilst we in England had building two ships of 120 guns, three of 110 guns, one of 90 guns, and six of 80 guns. In this calculation he had omitted taking any thing below frigates, because he took it for granted that these were pretty much the same in both countries, as he found no great difference in them. With respect to steam-boats, about which his hon. Friend, the Member for Halifax, had taken great credit for saying, that we were building our steamers in a very effective manner—the French had, at this moment, twenty-five steamers afloat and in commission; and we had only, besides packets running between Dublin and Liverpool, Holyhead and Dublin, and this country and Calais, only ten or twelve steamers, and only six of these were armed. He found, for the French service afloat, 23,173 men, and on shore 10,144 men, making a total of 33,317 men. We had 24,165 seamen, 2,000 boys, and 5,550 marines afloat, making a total of 31,715; and 3,500 marines to be employed on shore, making a grand total of 35,215, being only an increase above the French navy of less than 2,000 men. When he made a comparison between the number of men employed by England and France, he was bound to take into consideration the difference between this country and France. We were essentially a maritime nation; we had immense colonies to look after, and a trade going on with every part of the world. France had never yet assumed the character of a maritime nation, therefore he thought we had a right to make observations when we saw her navy equalling in ships of a large scale, though not in number, the ships of this country, and almost equal, (he might say equal) to us in the number of men employed. The very great encouragement given by France to the navy was also worthy of the attention of the House. The King himself had made personal exertions in its behalf, and had put one of his sons, the Prince de Joinville, in command of a frigate. In Russia also, the Emperor every year made an inspection of the fleet, and went on board every ship himself. He would also remark, that there was a great facility of manning the ships of those countries which we did not possess. He understood it took four months to prepare the Powerful and the Impregnable for sea. He believed also that the Pique was short of her complement of hands when she sailed; and the Blonde also had sailed the other day short of her complement of hands. The Grecian, he also believed, was in the same predicament. Our sailors were flocking to the American service, because there they were better paid, and it was a fact that they always found the American ships half manned with English seamen. This had been stated, and his own observation convinced him of its correctness, in a work of Captain Marryat. It had been stated by the Secretary of the Admiralty that the ordinary seamen at Portsmouth assisted to man the ships in case of any emergency. He found that the total number of men entered on the books was 583; the total establishment should be 879; he found that about 200 were necessarily employed in cleaning the ships —a great many of these were warrant-officers—leaving only 383 men to man an armament. Would the gallant Admiral (Sir C. Adam) tell him that 380 men would man a ship for sea? He did not, therefore, think that the ordinary could be very much relied on as a source for manning their fleet. A scheme should be devised of a fresh scale of pay to encourage our seamen to remain in our service, and ships should be provided for young lads to enter the service, who should be entitled to increased pay, and have pensions after a certain time, to keep them attached to the service. He also thought it essential in a country where, he was glad to say, there had always been a great feeling for the navy, that they should now and then see a fleet at the ports to keep that feeling alive; now our harbours were deserted by them. He hoped that the case of the men and midshipmen had been considered in the commission; they saw mates leaving the service every day—men who, after a hard service of six or seven years, passed their examination, and were then doomed to serve seven, eight, nine, ten, or eleven years more, and then get no rank and very small pay. They could not wonder at officers leaving the service; neither could they wonder if they found very great difficulty in getting youngsters to enter the service when they saw what they were likely to undergo. He understood that the Revenge had such difficulty in getting midshipmen that she had sailed with only ten on board. There were only 387 mates in the whole service, 428 midshipmen, and 430 volunteers. He found that the midshipmen were getting gradually disgusted with the service. When our foreign relations were in a state that required us to arm at all, he thought that we should arm in a way to show that we were determined not to suffer any aggression. He would ask the House to recollect whether in the last two or three years we had not had a few circumstances to make it quite necessary for us to have a proper armament. The insult to the Express packet he thought had been very lamely got out of, and the affair at the Mauritius had never been thoroughly sifted in the House. There were no vessels of war to protect our ships at Buenos Ayres in the blockade, and there was certainly a great want of vessels of war to protect our shipping in the blockade of Mexico. He thought also that the French, having made an asylum port of Port Mahon was very injurious to our interests in that quarter. He thought it would be very satisfactory to the country if the Channel fleet was to be manned and kept at sea, and kept in that state of discipline so necessary for the service, and to give the officers the opportunity of gaining experience in sailing ships of the line. He was very glad to hear that we were likely to go on building large ships; he must say that that had been very much neglected. His right hon. Friend the Member for Pembroke had established a rule, which had been departed from, of building three ships every year, and the sooner that plan was resumed the better. He could not sit down without saying a word as to the patronage of the navy, however much he regretted to introduce a subject which might have the colour of party; but he was justified in doing so when he saw the party colour given to the appointments which had been made. The recent appointment to the Governorship of Greenwich Hospital had been a source of disgust to the navy in general; he would say no more than this, that in the official list of the navy he saw fifteen officers bearing the rank of Grand Cross of the Bath above the gallant officer who had received that appointment. He did not want to say anything against that officer, but it was an appointment which reflected anything but credit on the Admiralty. In a debate which had taken place elsewhere, the noble Lord at the head of the Administration had said that he did not consider it necessary to distribute honours amongst those who had distinguished themselves in action. The other evening the gallant admiral (Sir C. Adam) had said that Sir J. Gordon had come with tears in his eyes and regretted his removal from Chatham dock-yard. Had that distinguished officer been nominated to the appointment in Greenwich Hospital, he being, as the gallant Admiral had stated, in distressed circumstances, the country would have been, he ventured to say, perfectly satisfied. He had made those few observations with a sincere wish to benefit the service to which he belonged, and which he hoped, and felt confident, would always be a credit to the nation. But it was necessary that it should be maintained in a proper manner, and if the Government would ask that House for such supplies as were necessary for maintaining an efficient and respectable fleet, both at home and abroad, certain he was that they would not be refused.

Sir *C. Adam* said that the noble Lord opposite had talked of the superiority of the French navy to ours. All he could say in answer to that was that, although many of our ships might be smaller, yet in point of numerical strength we had much the advantage. He admitted that the French had gained considerable expertness and experience in naval matters, and that their naval force was considerably increased, but he, nevertheless, contended that ours was more efficient. He was borne out in this opinion by that of Sir F. Maitland and Sir R. Stopford, both of whom considered, as appeared from their despatches (the gallant Admiral quoted) that our ships were in all respects more efficient than those of America, France, or Russia. It was said, that we were not at present in a condition to go to war, and that the number of men was incomplete. On the other hand he asserted that it was quite impossible, without negociations or explanations, that we could be so suddenly plunged into a war as not to be able to supply the full war complement in sufficient time for any hostilities that we might have to encounter. We had 200,000 registered seamen, and much greater facilities of increasing our naval force in this respect than other countries. There could be no want of men. Numbers of young men, well calculated for the service, from being usually occupied in fishing, and who were to be found about our shores, could be had in a very short time. Our resources, therefore, for manning a fleet, in case of an anticipated war, were far greater than those of other naval countries. The noble Lord had also talked of the necessity of a fleet for the protection of our own shores. That also could be had, if the necessity existed. There had been in our own ports, during the past summer, no less than eight line-of-battle ships. With regard to ships in ordinary, there were many men available for that service, and most of them could be sent to sea in a few days. The noble Lord had not only asserted the superiority of the French navy generally to ours, but stated, that their ships were larger than ours. Now, although the English ships were inferior in point of size, he maintained that they were more handy, more active, and more effective in engagement with the enemy. In Lord Howe's action, the French ships were all second-rate, while of our force of twenty-five sail of the line there were but two second-rate. He conceived it, therefore, much better to use small active frigates than to follow the plan which the French had adopted of building large ships. It had been stated, that our ships in the Mediterranean were short of their complements. He could only say, that he knew not where the hon. Baronet, who made that assertion had gotten his information, because such was not the fact.

Captain *A'Court* said, he had hoped that the gallant Admiral would have given some sort of answer to what had been stated on that (the Opposition) side of the House, respecting what he must call one of the most flagrant abuses that had ever been committed—he meant the appointment of Admiral Fleming to Greenwich Hospital. What, he would ask, had been the naval services of that gallant officer to entitle him to that appointment? He distinctly replied, none. It was painful to him to make these observations, but in this case the necessity of doing so was forced upon him, and, however painful to his feelings, he would not shrink from avowing his real sentiments upon the subject. If the situation of Governor of Greenwich Hospital were, as it had hitherto been considered, an honourable retreat for the most distinguished of our wounded flag officers, then he would say that Admiral Fleming had no earthly claim. However long he might have served, he had never partaken in any of the gallant actions of the last war, and was, therefore, clearly ineligible while so many distinguished officers who had fought—and bravely fought in those actions stood senior to him. He would venture to say, that no act of the Government, since its accession to office, had given such dissatisfaction to the navy as that appointment. And how could it be otherwise when they saw one great object of their ambition, which they thought was only to be gained by the most gallant services, bestowed upon an officer, who, however excellent might be his private character, had never had the good fortune to distinguish himself in an engagement with the enemy? It had been said by the noble Lord at the head of her Majesty's Government, that that was only a consideration of a secondary nature. If by that the noble Lord meant that the Governorship of Greenwich Hospital was only to be made the reward of political services, the sooner the noble Lord abolished the useless sinecure the better, for the receipts of the office would go more than half way towards supporting 100 gallant veterans. And now with respect to the navy. That it was in a deficient state had been so ably pointed out already, that he felt it almost unnecessary to say a word in addition to the statements of his noble Friend and the right hon. Baronet near him, which clearly showed that our shores were totally unprotected, and that our ships were too few in number and too small in size. He would ask any Gentleman conversant with naval affairs how seventy-two gun ships with 500 or 600 men could compete with French ships of eighty or ninety guns and 700 or 800 men? It would be unjustifiable and cruel to place British seamen in such a position; for, however gallant and zealous they might be, they would not have the physical force to uphold the honour and the glory of the country. He hoped the occurrences which took place during the American war would open the eyes of the Government to the impolicy and the injustice of exposing small vessels to those of greater force and power. As to what had been said of fitting out twenty or forty sail with the greatest expedition, it was his firm conviction that even the lesser number could not be fitted out under a space of twelve months, and what during all that time, was to become of our colonies and of our commerce? It was true that we could not have a larger fleet without a greater outlay, but how much better would money be employed for that purpose than was the useless expenditure on the coast of Spain? Useless he called it, for we obtained nothing by it. The French alone were the gainers, for they had obtained a footing in Minorca. How much better would the money which the Government had expended upon never-ending commissions have been employed in adding to the efficiency of our navy. Looking at the agitated state of the world, who could doubt that war might break out on a sudden; and if such should be the case, he earnestly prayed that the anticipated means of offensive and defensive operations would be amply realized.

Sir *T. Cochrane* said, the question of our naval establishment divided itself into two parts. The first of these was its comparative strength, when contrasted with the naval armaments of other nations; next, whether it was sufficient to promote the extension of our commerce, and to afford it protection when extended. With respect to the first part—namely, the comparison of foreign naval armaments with ours—it had been said, that the number of effective seamen and boys amounted to 35,565, and that another 1,000 had been added to increase the force of our vessels in commission. Both these statements he denied. We had not that number of men and boys, and even the trifling addition of 1,000 had not been made. It was only of late that the packet service had been handed over to the superintendence of the Admiralty, and this service was as distinct from the navy as was the military service. Indeed, it was even more distinct.

The packet service was not likely on any occasion to be called to the aid of our naval force, whilst the aid of the troops had been frequently resorted to. The packet service, then, ought not to be mentioned as a part of our effective naval force. Then there was a considerable number of men engaged in the surveying department, who should also be deducted. After these deductions, the number of seamen would be reduced from 24,165 to 21,072, those engaged in the packet service being 2,379, and those in the surveying department 714; add then, to the 21,072 for marines afloat 5,503, and for those ashore 3,500, with 2,000 boys, and the whole amount, instead of 35,565, was reduced to 32,072. There was another reduction which also weakened our effective force very considerably, namely, the number of small craft which we had on the coast of Africa, and in the West Indies, for the purpose of preventing the trade in slaves. The propriety of this employment of our navy was not to be questioned; on the contrary, it redounded highly to the honour and reputation of this country, that they were so employed; but at the same time it was obvious that they could not be called into operation should any sudden emergency render their assistance necessary. But, in reality, the question was not so much the want of ships as the want of men. Look to the naval condition of other countries. See how that of France had increased: her naval force at present amounted to from 31,000 to 32,000 men. The French estimate for 1840 was 20,498; but there had been added since the budget was published—

	Men.
9 sail of the line - -	7,821
8 corvettes, less 3 corvettes avisos	1,270
3 brigs, 226; 7 brigs avisos, 644	870
4 brigs, canonniers - -	208
18 brigs, and 3 small vessels -	1,098
5 steamers - - -	360
	11,627
Add amount of estimate -	20,498
Total -	32,125

The complements were not official, but they were calculated at the same rate as those given in the budget. What was the state of the Russian fleet? She had one ship of 120 guns, three of 100, seven of 84, nineteen of 74, making in all 30 sail of the line; then there was one frigate of 56 guns, three of 52 guns, eighteen of 44, besides corvettes, and the whole manned by 33,000 men. Of these there were 16 sail of the line in the Black Sea. It was said last year that the Russian fleet was ineffective—indeed, that it was hardly seaworthy; but a different statement was made by an officer who had seen that fleet, and whose report to the Admiralty had produced a different impression there. He had not asked any questions on the subject of the gentleman himself, for he felt a delicacy in asking information which he might afterwards use in the House; but he acquired the information by conversing on the subject with naval men at their clubs. Now, with this comparative view of the state of the naval armaments of other countries, he would appeal to the House, and ask whether, looking at France, and putting Russia altogether out of the question, was this country in a position to reduce a single ship, if, which God forbid, circumstances should compel us to a war with France—if Russia were not in existence—if America remained yet undiscovered, could we reduce a single ship from our establishment? America, he knew, had no desire to go to war with this country; but, with the excitement which existed with respect to the boundary question, if a war should be forced on us, a twelvemonth must elapse before we could send out a fleet. He felt that even with respect to France, they were not superior in the strength of their fleets, and when they looked at Russia and the United States of America, the House must admit that the naval establishments of this country were not on an efficient footing. Let them now look to the state of our navy with regard to its capability to protect our commerce, and in doing so he would compare the state of our commerce now with what it had been at a former period. He would go back to a favourite period with that House; he meant to the period between the American war and the French war—to the period between the year 1783 and the year 1793. Let them then see what was the state of their commerce in the year 1790. At that period, it was to be remembered, our trade was confined to the East and West Indies and to the United States of America, for, from every other place, this country had then been excluded. In the year 1790 this country employed 15,015 vessels with a tonnage of 1,460,000.

The value of the exports amounted to 18,544,205*l.* and the value of the imports was equal to 17,783,572*l.* What was the position of our commerce at the present time? In the first place, England had vast colonial possessions now, which she had not at the period to which he had referred. England had now possession of Malta, the Cape of Good Hope, the Mauritius, the Island of Trinidad, Tobago, and St. Lucie. They were also in possession of a large portion of Guiana, while the whole coast of Spanish America was open to their commerce. At this moment, from east to west, from north to south, the sea was white with the sails of English vessels, and our exports and imports had increased in an enormous degree. On the 31st of December, 1837, this country employed 26,037 vessels, with a tonnage of 2,791,018, while their crews amounted to 173,506 men. The number of vessels employed in foreign trade, exclusive of those in ballast or engaged in the coasting trade, was, inwards, 12,252, with a tonnage of 2,346,300, and outwards, 10,614 vessels, with a tonnage of 1,861,121. The official value of the exports in 1838 amounted to 105,170,549*l.*, and the imports to 61,268,320*l.* The number of vessels employed between Great Britain and Ireland was 16,347, with a tonnage of 1,585,624; and, in carrying on the rest of our coasting trade, 122,448 vessels were engaged, with a tonnage of 9,315,563. That was the state of our commerce now, as compared to what it was in the year 1790. Let them now consider what the state of the English navy was during the peace, or from 1783 to 1793. In the years 1785, 1786, 1787, and 1788 there were 18,000 men employed in the navy, and in the year 1789, 20,000 men. But, before he proceeded further, he wished to call attention to the mode in which the naval force of the country was at that time distributed. According to an account printed by order of the House of Commons on the 23rd of June, 1814, the following was the disposition of the navy in the year 1787. In the East Indies there was not a single ship. In Jamaica there was one fifty-gun ship, two frigates, and three smaller vessels. In the Leeward Islands there was one frigate and two smaller vessels; in Nova Scotia six small vessels; in the Mediterranean one fifty-gun ship and three frigates. But besides these they had, cruising about the British Islands, two frigates and thirty-three smaller vessels; there were also at Portsmouth seven ships of the line, two fifty-gun ships, one frigate and three smaller vessels. At Plymouth there were five line-of-battle ships, one fifty-gun ship, one frigate, and three smaller vessels. In the Medway they had two line-of-battle ships and one small vessel. In the Downs they had one small vessel, and in the Thames they had one frigate and five smaller vessels. In short they had abroad nineteen vessels, and at home sixty-eight men of war, whereas now there was not a pennant to be seen on the whole coast. The statement he had made referred to a period of profound peace, and at the present moment there was a prospect of war from almost every quarter. It might be said that many of the vessels he had enumerated were only guard ships; but even if they were to be so considered, still they could have been sent out on an emergency, and their places would have been supplied by others. In the year 1790, in consequence of a dispute with Spain, about a miserable plot of ground, and, in consequence of the capture of a small vessel, this country called upon Spain for redress. Spain declined to comply with the demands of this country, and in consequence, this country armed itself, and prepared for war, and so far from sending out guard-ships, and nothing more, he found that upwards of 3,000,000*l.* had been expended in preparations. There was one material fact to which he was most anxious to call the attention of the House, and it was the difference in the state of public opinion now, in regard to impressment to what it was at the period he had been considering. At the time to which he had alluded, impressment was resorted to as a matter of course, but now it was happily different. Impressment was now viewed with horror, and it could not be resorted to without exciting the strongest feelings against such a course of proceeding. Yet, if any sudden emergency called upon them to arm, nothing was left to them but to resort to impressment for manning the fleet. That was a state of things which was to be deplored, for impressment ought only to be had recourse to in cases of absolute necessity, and it was the duty of that House to take steps to guard against such a necessity arising. What, then, was to be done to prevent the necessity of resorting to impressment? It was his opinion, and the opinion of other officers of high authority, that they ought to keep up a permanent home establishment, sufficient to command the fear of some nations and the respect of all. [*Hear, hear!*] At present they had no guard-ships, nor any vessels ready to send out to any point on which this country might be threatened, and he thought no one would say, looking at the state of our foreign relations, that it was wise or politic for a great commercial country like England, to be so destitute of the means of defence. He might be told, that to increase our naval force would be to create a great additional expense to the country; but, if that increase was made, England would be in a situation to command the respect of other nations, and even to force them to disarm. The expense, therefore, would not be greater than at present; for, if they were in a position to enforce their rights, their fleets might be called home as soon as their disputes were settled, and such reductions might then be made as might be deemed necessary. If there was a strong permanent establishment kept up, then, if it was necessary on any emergency to arm, they might at once despatch the vessels at home to the point where their services were wanted, and replace those sent out by others. That was the principle upon which the country had formerly acted, and he had no hesitation in saying, that it was the principle upon which they ought to act at present. The time had been, when other nations looked on the decisions of that House with respect; and the respect of other nations for this country was mainly to be attributed to the powerful peace establishment which had formerly been maintained. He trusted the House, therefore, would follow the example which had been set in former times, and that they would do everything in their power to put the naval establishment on a footing of the most perfect efficiency. He hoped the House would permit him to call attention to the great interest which was felt in the state of the navy in former times. In the first place, he would call attention to a period, 200 years ago, when the Protector Cromwell was at the head of the Government of this country. In 1664—

"The Protector was so sensible of the respect paid by foreign States to the naval power of England, when kept in a respectable condition, that instead of reducing his navy at the conclusion of the war in 1654, he ordered all the ships to be repaired and put into good condition; he also ordered new ones to be built, and filled the storehouses and magazines with all necessaries for the fleet, as if it had been a time of greatest danger."

In 1695 Parliament had addressed the Crown on this subject. The House of Lords sent up an address, in which they stated—

"That having spent some time upon consideration of the fleet, both at home and abroad, and of the great increase of the naval force and strength of our neighbours, we conceive it to be our duty to your Majesty and the kingdom, humbly to represent that the honour and safety of this nation, under the Providence of God, chiefly depend upon your strength at sea; and whereas, by the long continuance of this war, the number of your ships must have been diminished, and those remaining greatly impaired, we think it of the highest importance to your Majesty's service, and the security and interest of your people, that you would be pleased to give speedy and effectual directions for the repairs and increase of your Royal Navy."

In 1697 the King acquainted Parliament, after the peace of Ryswick—

"That the naval fleet of the kingdom was increased nearly double what it was at his accession, and that the charge of maintaining it would be proportionably increased, as it is certainly necessary for the interest and reputation of England to have always a great strength at sea."

In 1707 there was another address to the Crown on this subject, in which it was stated that—

"It is a most undoubted maxim, that the honour, security, and wealth of this kingdom does depend upon the protection and encouragement of trade, and the improving and right managing its naval strength. Other nations, who were formerly great and powerful at sea, have by negligence and mismanagement lost their trade, and have seen their maritime power entirely ruined; therefore, we do in the most earnest manner beseech your Majesty that the sea affairs may always be your first and most peculiar care."

The documents to which he had quoted related to times of peace, when war had been terminated, and he trusted the House would not now neglect the precautions which had then been taken, and which had secured for this country the respect of other nations. He hoped the House would adopt such measures as would secure for this country in times of emergency such a fleet as would be able to protect their interest and command the respect of surrounding nations. He had to apologize to the House for having trespassed so long upon their time, but he felt strongly upon this subject, and he was convinced that the welfare and prosperity of the country mainly depended upon the efficiency of their naval establishments, and he could not, therefore, allow himself to sit silent when a question of such importance, and in which he felt so deep an interest, was under consideration.

Viscount *Palmerston* was anxious to say a few words before the House came to a vote on this question, because objections had been made in the course of the debate to that part of the policy of the Government with which he was more immediately connected. On the subject itself which was now under discussion, it was unnecessary for him to say anything, for all parties had concurred in the propriety of the vote which was proposed for their naval establishments. The hon. Baronet, the Member for Stamford, had given his testimony in favour of the judicious arrangements which were adopted with regard to stores. He had said, that the amount of stores were satisfactory, and that the number of men to be employed, and the way in which they were to be employed, was perfectly judicious. The hon. Baronet had said, that the amount of stores, and the number of men to be employed were sufficient, and he had only to appeal to the statements of the hon. and gallant Officer who had last spoken, to prove, that the Government had not proposed too large a vote upon the present occasion. The considerations which arose on the discussion of a subject of this nature were twofold. In the first place it was to be considered, what the number of ships ought to be, and that ought to depend on a view of the foreign relations of the country, and of the state of the naval power of other countries. Another consideration was, how the naval force ought to be distributed, and that, again, must depend on circumstances of a fluctuating and temporary character. Now the opinions which they had that night heard expressed, were favourable to the course which had been adopted by the Government. The discussion showed, that the Government had taken effectual steps to place their naval establishments on an efficient footing. With the exception of the hon. Member for Kilkenny, the general opinion of the House was, that the amount of force asked for was not too large. The Government had been accused of carrying on war with a peace establishment, while the hon. Member for Kilkenny blamed them for keeping up a war establishment in time of peace. The Government was, therefore, willing to put the one opinion against the other, and he thought they might fairly draw the conclusion, that the present naval force was equal to the wants of the country. The right hon. Baronet opposite had said, that the increase in the naval force had been rendered necessary by the course of foreign policy which had been pursued by the Government. He had said, that the Ministers had kept up abroad a continued system of agitation, and that the necessity for increasing the naval establishment of the nation had only been created in consequence of their mismanagement of their foreign relations. In reply to that charge he could only say, that they had, at all events, been tolerably successful. Whatever objections the hon. Baronet might make to the conduct of the Government with respect to foreign affairs, they had, however, generally carried their objects, and if they had done that, and if they had conducted the whole of their proceedings with only a peace establishment, he thought those who approved of their general policy would agree with him, that they had not only been successful, but that they had also shown judgment in the course of policy which they had pursued. The hon. Baronet had said, that the Ministers were the dupes of France. He had said, that the nation wished to pursue, with regard to this country, the policy which had been followed by the Duke de Choiseul, and to compel England to make great efforts in order to exhaust her resources. The answer to that charge, however, was to be found in the statements of hon. Gentlemen opposite, who made it a matter of complaint, that France maintained a larger naval force than England. The fact, however, was, that no such views were entertained by France, and there was no hostility displayed by that country towards England. France had no hostile views on this country, and even the present amount of her naval force was in some degree temporary, for of the number of ships now at Toulon, not a few were only fitted out in order to take the place of others whose periods of service had expired. The hon. Baronet had also complained of the present distribution of the navy. He had said, that they ought not to keep so many ships in the ports of Lisbon, where the hon. Baronet argued they were not so available as if they were stationed as home. He must, however, contend, that those ships were as available in the port of Lisbon as if they were in the harbours of this country. Nay, he would say, that they were even more available, because, if, at any time, they wanted to send out a fleet without making the intentions of the Government known to other nations, they could send them with more secrecy from Lisbon than from this country. Lisbon was a centrical position, and he must contend, that those vessels were as well situated at that port as if they were home. The hon. Baronet had said, that if they wished to force the Portuguese Government to attend to their remonstrances, they ought to withdraw those ships from Lisbon instead of retaining them. Now, if the argument were a good one, it would fairly lead to the inference, that it would be better for them to have no fleet at all. It was obvious, therefore, that they were rather chargeable with having too many, rather than too few ships. With regard to the distribution of the fleet, this was a matter which must be regulated by the circumstances of the case. It was quite clear, that they should have a considerable force in the Mediterranean, and the main bulk of the fleet was there. But then it was said, that their own shores were not sufficiently protected. Undoubtedly, if there were any reasonable expectation of an attack being made on the English coast, the force was not sufficient. But he was happy to say, that there was no ground for apprehending any such necessity. With regard to the Russian fleet (and the state of our relations with Russia had been made a matter of reproach), if the statements which had reached him were well founded, it would be perfectly preposterous to ask the country to expedite a fleet against a power to which no inimical intentions could be imputed. He would say only one word more with respect to what had fallen from his hon. Friend as to the present system of policy pursued by the Government with reference to affairs in the Levant. He thought that his hon. Friend was not very consistent with himself. He had laid down principles, and meant to act on them in a way which would lead to consequences wholly at variance with those principles. He said, that his object was to maintain the integrity and independence of the Ottoman empire, and he proposed to re-establish peace between Mehemet Ali and the Sultan. And how? Why, by the concession on the part of the Sultan to Mehemet Ali of the whole of his demands—by the virtual, nay, the actual, transfer of a large portion of the dominions of the Porte. When they came to argue that question, he should be prepared to prove satisfactorily to the House the justice and expediency of the policy which Ministers had pursued, and which had for its object the maintenance of the integrity and independence of the Turkish empire, founded on a just regard to the best interests of this country as connected with that part of the world. And so far from tending to war, this was the only course which they could pursue, if they were desirous to prevent the events which were taking place in that quarter from necessarily leading to an European war upon a considerable scale. This was not the time for going at large into that question, and it was only his wish at present to protest against the doctrine laid down by his hon. Friend.

Sir *Robert Peel* said, that it was his intention to give his vote without the least hesitation or reluctance in favour of the full amount proposed for the navy estimates of the present year. He could not concur in the view which had been taken by the hon. Gentleman who was the great and consistent advocate of economy in that House, and by which he had proposed to maintain the establishments of this country without any reference in time of peace to the establishments of other countries. He conceived it to be quite impossible to disregard the efforts made by other countries to maintain a great naval establishment. A profound peace might prevail, but the gradual progressive increase of the naval power of a neighbouring country might be indicative of hostility to us. The very efforts made by a country without any apparent necessity to lay the foundation of a great maritime power, might when its exertions were completed, if our inferiority were satisfactorily established, enable that country to choose a moment for the commencement of offensive operations. And in the relations of any two great European countries, the increase of the establishments of either should never be neglected by the other. It was, therefore, of great importance that they should not so conduct their affairs as to be entirely irrespective of other countries. If they permitted other countries to increase their naval establishments, while at the same time they diminished their own, so far from promoting the ends of true economy, they might be undermining their security on the one hand, and on the other entailing a great additional expense upon the country. It was with the utmost surprise that he had heard the hon. Gentleman attribute to her Majesty's Government, and particularly to the noble Lord the Secretary for Foreign Affairs, the whole responsibility of the progressive increase in our establishments, and impute the decrease of our financial prosperity to the gross impolicy with which our foreign affairs had been managed. He was surprised at this attack, when he considered the apparent cordiality with which the hon. Gentleman a few nights since, had voted his entire confidence in that policy. And if the hon. Gentleman had made upon that occasion the speech which they had heard to night, he thought that his modesty must have prevented him from recording that vote. The noble Lord opposite had congratulated himself upon maintaining a happy medium, because some persons complained that the naval establishment of this country was not sufficient, while others averred that it was maintaining a war establishment in time of peace. The noble Lord had said, that these two observations were contradictory, and afforded a strong proof that her Majesty's Government had adopted a happy medium. Now, so far from these propositions being contradictory, they might with perfect ease be reconciled. It might be true that Europe might be, to all appearance, in a state of peace—that assurances might be conveyed to her Majesty from all quarters, that foreign powers were desirous of maintaining with her Government the most amicable terms; and it might be, too, that they had a war establishment, and an inadequate one, and yet he did not see how these two propositions were contradictory: neither could he see that her Majesty's Government had preserved the happy medium. He believed that it was in a great measure from the policy which had been pursued by her Majesty's Government, that the country was in this condition. But the noble Lord said—"Whatever complaints you may prefer in particular instances, at all events, you must admit that my foreign policy has been successful." Now, this was a very happy assumption, but this they entirely disputed. Twenty-five years had now elapsed since the establishment of a general peace throughout Europe. What progress had they made since that period towards a diminution of the national burdens? The indications of success would have been, that so great was the confidence which they had established amongst foreign powers, so prevalent was the influence of their mediation and example, that the powers of Europe generally were discontinuing or greatly diminishing their armaments, and that now, after the lapse of a quarter of a century, they were enjoying the beneficial fruits of internal tranquillity, and reaping a rich harvest of commercial industry. Had the noble Lord given proof of the success of his foreign policy by diminishing their military establishment? Was it not, on the contrary, the fact, that there was an increase in the army? But, at the same time, the noble Lord said, that his policy had been successful. At the end of twenty-five years, they could surely demonstrate the success of their policy by pointing to the reduction which they had effected in this important branch of expenditure. But, instead of retrenchment, had they not been making preparation for war during a time of peace? Was the state of their finances such as they could congratulate themselves upon? Did the noble Lord bear in mind, that for the last four years there had been a regular deficiency? In 1837 there had been a deficiency—in 1838 a deficiency—in 1839 a deficiency—in 1840 an increased deficiency—mainly on account of the increase in their military establishment. So far, therefore, as the state of the finances, and the indications of general tranquillity were to be considered as enabling them to effect a reduction in their establishments, he did not think that the noble Lord had much to congratulate himself upon. He would abide by the test which the noble Lord himself had proposed as to the merits of his foreign policy—the list of that eminent success of which he had boasted. Let them examine that policy in detail. The point, he presumed, upon which the noble

Lord chiefly rested to maintain the allegation of success was the quadruple alliance—the treaty which was to have formed a lasting bond of amity between the four western powers of Europe, as a counterpoise to the diplomatic influence of the northern and eastern powers. The noble Lord had prophesied, that between these four powers—England, France, Spain, and Portugal—bound by the common sympathies of a liberal and constitutional form of government, nothing could put a period to the harmony which would prevail; that the influence of England in the Peninsula would be established on a permanent basis; and that permanent relations of the most desirable description would be established amongst these four powers. He would begin with Portugal. The noble Lord had said that his policy had been, at all events, successful, and, if such were the case, it would undoubtedly be *primâ facie* affording a presumption that the policy which led to those successful results was correct in principle. But what was the noble Lord's influence in Portugal? They kept three sail of the line on the Portuguese coast. His hon. Friend the Member for Kilkenny had said, "Remove them, and you will have more influence with the Portuguese Government;" upon the supposition that they kept these three sail there to protect the Government, which they (her Majesty's Ministers) had established, and that, relying on their protection, Portugal was enabled to defy their power and disregard their representations, because she was safe in the protection of their three sail of the line. On this ground the hon. Member asked them to try the effect of removing the fleet. "This," said the noble Lord, "proves that, in accordance with your opinion, if England had no fleet at all, her influence would be increased throughout Europe." Now, what account had the noble Lord given of his influence with Portugal? The business of that evening had commenced with the presentation of a petition by his noble Friend the Member for Liverpool complaining that Portugal had treated with the greatest injustice, and with utter disregard and contumely, the just claims of British subjects, and accompanied this injustice with every species of insult. Did the noble Lord deny the allegation?—not at all. He said, that he agreed with almost every word in the petition; that the conduct of Portugal had been well described—of that government which they themselves had established; and in that act of establishment departed from their ordinary rule, not to interfere in the domestic concerns of foreign countries. The noble Lord said, that his influence with that government was so small for the last five years, that, notwithstanding every successive change in the constitution of that government, and in the individual members of whom it was composed, he had not been enabled to procure for England that satisfaction, that bare justice, which it appeared Belgium had obtained for her subjects in Portugal.

"I admit (said the noble Lord in substance) all your allegations; but so small is my influence with that government which I established, that, although for five years I have been repeating my entreaties and remonstrances, they have not been attended to; and I am now about to form a committee in London, if possible, with the concurrence of Portugal, if not, without it, and whatever may be the report of that committee, I will exact those terms from that Government with which I have been so successful."

So much for a matter of private claim. What had the noble Lord told them during the last Session of the conduct with respect to the slave-trade of this their ancient ally, that used to be connected with England by ties of the closest attachment, and which owed its existence to a suspension of those principles of non-intervention in the domestic concerns of other nations? The noble Lord said, in substance, last year,

"If ever there was a flagrant violation of national faith, it was that which had been committed by Portugal. It was not merely that they had turned a deaf ear to the interests of humanity—that Portugal had disregarded every appeal which had been made to her—that she had positively violated her compact with this country, for Portugal had received a pecuniary equivalent from England, about half a million sterling having been paid to her to relinquish her slaves—it was not merely that she had utterly disregarded the claims of humanity, and disregarded, too, the solemn compact into which she had entered with us; but although we had a pecuniary claim on Portugal, and had made her an advance beforehand, upon a specified condition, yet Portugal swindled us out of our money; and I ask of you, the Parliament of England, to pass a bill to prop up my defective influence, and force from Portugal that justice which she will not render to my remonstrance."

Here was the success with which the noble Lord's policy had been attended in the case of one power which was a party to the quadruple alliance. He would next come to Spain. He saw a correspondence in the papers, from which it appeared that the British merchants resident at the Havannah, having subscribed a considerable sum to provide a religious service there in accordance with the rites of the Church of England, applied to the noble Lord to use his influence with the Spanish Government to obtain the desired permission. The noble Lord having been presented with a military star by the government of Spain, in consideration of all the important services which he had rendered to that country, could surely not have the smallest difficulty in obtaining so slight a favour. And this appeared to have been the noble Lord's opinion at the time, for he stated at once that he would make the desired application to the Spanish government. And the noble Lord did make the application, but no answer was for some time returned. At last he acquainted the merchants that, having made his application to the Spanish government, backed by all the influence of the British Crown, which was upon so friendly a footing with Spain, he found it impossible to procure from the Spanish government the small permission to the British subjects resident at the Havannah to celebrate divine service according to the ritual of the Protestant religion. He (Sir R. Peel) thought that one great object of the treaty of quadruple alliance was to introduce toleration into the international dealings of the Peninsular powers; that the progress of civilization and refinement which a liberal form of government would introduce was one of the grounds upon which the treaty of quadruple alliance was proposed. The interference had taken place, the money had been advanced, the blood of British soldiers had been spilt, and to what point did the influence of her Majesty's Ministers with the government of Constitutional Spain extend? The noble Lord had not been able to procure this small favour from this government, which again he had established, three months after the success of his interference in its behalf. He was not able to secure to the British residents at the Havannah this little privilege. But, on the other hand, how stood the French influence with Spain? He did not think that the interference of France in arranging the domestic affairs of Spain had been carried to a greater extent than that of England. He thought that one of the great recommendations urged, when the project of the quadruple alliance was introduced into Parliament, was, that British influence would become paramount in the Peninsula. Now, how had the French succeeded when they applied to Spain for the possession of an island at Port Mahon? It was promised to them by the Spanish government. It was protested against by a committee of the Cortes; it was protested against by the noble Lord, who professed himself to entertain a strong feeling against it. But the promise was carried into effect notwithstanding; and the island was now in the possession of the French. How much more important was this concession made to the French than the favour which had been asked for the British residents at the Havannah! So much for Spain, the second party to the quadruple alliance. And now for France. Again he repeated, that he most deeply lamented the manifestation of a growing jealousy between this country and France. What were the happy consequences which the noble Lord could have predicted as resulting from the quadruple alliance, except the reduction of the national establishments, the increase of mutual confidence, but above all a forbearance on the part of each of the four powers to increase their naval force—particularly during a time of peace; and, in short, the removal of everything calculated to disturb the most cordial relations between England and France? Could they deny that the French had fifteen sail of the line in the Mediterranean? Why we ourselves had twelve sail there? We had only twenty-one sail of the line altogether, and out of these there were fifteen situated in the Mediterranean, or its immediate neighbourhood. Was that for the purpose of interfering between the Porte and Egypt? Was it not undeniably on account of the predominant influence of France, which made them unwilling to leave the Mediterranean without three-fifths of their naval force either there or in its vicinity? The demands of this country on France for compensation for the grievances and wrongs sustained by our merchants on the coast of Africa, were they adjusted? Had those grievances, brought forward as they were by one of the keenest supporters of the present Government, the hon. and learned Member for the Tower Hamlets—

had those grievances, he would ask, been redressed? If the influence of the noble Lord with foreign powers were so great as he had that night boasted that it was—and he was now speaking of those powers only who were parties to the quadruple alliance—if the policy of the noble Lord had been so successful as he had vaunted it to be, and if the noble Lord admitted, as he had done, that the claims of our merchants on the French Government were just, how came it to pass that up to the present hour, he had not obtained any the slightest reparation for them? He had said in the first place, that the noble Lord could not give the House any indications of that complete success in his foreign policy, which would have been best shown by retrenchment in his estimates, and by reduction in his military establishments, and he had now proved that the noble Lord could not give the House any indications of it in the compliance of foreign powers with the just and equitable demands of his Government. It was possible that the noble Lord might boast of the complete success of his policy in settling the boundary question on the north-east frontier of the United States. That question of boundary had been long pending between the two Governments of Great Britain and the United States, and the indications which he saw in the papers before the House were not such as to induce him to place any confidence in the boasts of complete success which the noble Lord had uttered upon this portion of his policy. Travelling to the east of Europe, he thought that he recollected a boast, or rather a pledge given by the noble Lord in his place in Parliament, that three months should not elapse without England's having a representative at Cracow. If the noble Lord had not made a boast on that subject, no one would have had a right to quarrel with the noble Lord. It might be, that difficulties had occurred which it was not possible for the noble Lord to encounter; but then the noble Lord, knowing, as he must have done, the jealousies which he would have to encounter in any negociations relative to Cracow, ought not, as a Member of the British Parliament, and still more as the foreign Minister of the British Cabinet, to have given a pledge in public that such and such an event should take place within a given time. He did not mean to say, that under peculiar circumstances it might not be right to give such a pledge; but this he did mean to assert, that such a pledge should not be given unless it were intended to redeem it, and that at any rate, he who gave it, and did not redeem it, should abstain from boasting of the complete and uniform success of his foreign policy. Into the great questions connected with the present state of affairs in the Levant, he would not enter at present. He had asked the noble Lord on that subject a question, which the noble Lord had desired him not to press, as a sense of public duty would forbid him from answering. He would, therefore, forbear from entering into that part of the noble Lord's foreign policy; but if he were to enter into it, he thought that there again he should find room for arguing that the noble Lord could produce no proof that the success of his foreign policy was complete and triumphant. He had not intended to have taken any share in the present debate; but he could not hear the noble Lord's boast that his foreign policy had been so triumphant, without entering his decided protest against its correctness.

Viscount *Palmerston* had listened to the speech of the right hon. Member for Tamworth with a mixed sensation of pain and of pleasure—with pain to think that an individual standing in the right hon. Baronet's eminent position, and filling so ample a space in the eyes of Europe, should, in discussing the important interests of this country and the tendency of its foreign policy, have taken so narrow and so limited a view of it as to put the great issue, whether the foreign policy of the Government was wise or not on such petty matters as those which the right hon. Baronet had mentioned, totally forgetting all those great considerations, which ought to have presented themselves to his mind, and the absence of which was to him a source of pleasure, because he well knew that the right hon. Gentleman had too statesman-like a mind not to have adverted to them, if those considerations would have served his purpose. He was therefore almost ashamed to follow the right hon. Gentleman, through the miserable paltry details on which he had rested the whole strength of his case. Out of deference, however, to the House, he would pursue the right hon. Gentleman through the different subjects which he had made the theme of his vituperations against the Government. And first with respect to Portugal, which was now, as always, a sore point with the right hon. Baronet, because it was the first point on which the policy of the Liberal Government came into collision with that of the right hon. Baronet. It was in Portugal that we found the right hon. Baronet the defender and protector of Don Miguel. It was in Portugal that we found him on the very point of acknowledging that usurper, merely because he had overthrown a constitution. It was in Portugal that the first attacks were made by the right hon. Baronet and his supporters on the foreign policy of the Liberal Government, and it was because that Government supported the cause of Donna Maria and of the constitution in Portugal, that every term of contumely and reproach had been heaped upon himself personally as the organ of it, and that every prophecy of disgrace and discomfiture was hurled against him from the other side of the House. Ministers said, that they were convinced that the cause would succeed; and succeeded it had, in spite of all that the right hon. Baronet had said to the contrary. Nay, the right hon. Baronet himself had admitted, that it had succeeded, for he had talked of the form of Government which he had established, and by so doing had established the very doctrine which he had attempted to refute. Perhaps it was not to be expected that the right hon. Baronet would concur in the feelings of those who thought that they had done a service to the cause of good government in rescuing Portugal from the tender mercies of an usurper like Don Miguel. But, said the right hon. Baronet, "We have no influence now in Portugal, because Portugal refuses to admit our claims." Now, he would ask the right hon. Baronet, whether Don Miguel admitted the claims of the British Government when the right hon. Baronet was the Minister who advocated them? Was the right hon. Baronet more successful than the present Government in getting satisfaction for British claimants? Were the former Governments of Portugal —those Governments in which the will of one man was the law of all—more disposed to put down the slave trade than the present constitutional Government? If the right hon. Baronet would only look back to what had occurred in Portugal under his *protegé* Don Miguel, he would not find that the spirit of the Portuguese Government to support the slave trade was more intense now than it was formerly. The present Ministers, had however, done that which the right hon. Baronet did not even attempt to do. They had taken vigorous measures to compel Portugal to put down the slave trade, and had not been afraid to incur the displeasure of the present Government of that country, whatever might have been the ceremony which the right hon. Baronet used to the protected Administration of Don Miguel. Now, with respect to Spain, a country in which a severer struggle had recently been carried on between a despotic and a popular form of government than any which had been witnessed in modern history—looking at Spain, and judging of the policy of the British Cabinet, its motives, its objects, and its success. The right hon. Baronet could find no spot in it on which to place the finger of his scorn, except the refusal of the Governor of Havannah to allow a Protestant chapel to be established in that port. Would the right hon. Baronet permit him to ask one question in return for the many which the right hon. Baronet had put to him? Did the right hon. Baronet think, that if Don Carlos and the Inquisition had been established at Madrid, there would have been a stronger disposition in the Court of Spain than there was at present to allow the legalized introduction of Protestant worship into the dominions of that country? Was it possible, that the right hon. Baronet could look with indifference on the success of the Spanish people in shaking off the yoke of a despotism which was calculated to cramp all their energies, and to wither in the bud every hope of prosperity? Could not the right hon. Baronet enter into the feelings of those who, forgetful of every term of insult and contumely by which they had been assailed, and forgetful of every prophecy of discomfiture and disgrace by which it had been attemped to dishearten them, now felt some triumph—and surely it was a justifiable triumph, in the complete success of the policy they had pursued? He said, complete success; for whatever any man might anticipate as to the precise period when the embers of the civil war still smouldering in Spain might die out, one thing was quite certain, that the flame of liberty would not be extinguished, but that it would continue to burn on with a clear and steady lustre in that country, for the constitution was established, and by that very circumstance Spain was rescued from the debased situation in which she had so long been sunk, and was qualified to become, as she soon would become, an important element in the balance of power in Europe. Could the right hon. Baronet, who aspired to be the first Minister of this great country, who thought himself qualified, and whom so many persons thought so well qualified, to guide the destinies of England, and to direct its foreign as well as its domestic policy—could the right hon. Baronet close his eyes and blind his mind to the various important bearings which would arise from re-establishing Spain as an element in the balance of power in Europe? Could the right hon. Baronet see no other advantage which would result to this country from such a consummation than obtaining permission to build a Protestant chapel at the Havannah? But then the right hon. Baronet said, that he would try the present Government, not only by the failure of their influence, but by the test of the success of French influence. And what were the mighty objects of which the right hon. Baronet had spoken in order to prove the success of France? Why, he could hardly believe his own ears when he heard the right hon. Baronet particularize the instance which he considered as a triumph of influence dangerous to this country, and showing the utter failure of all the exertions which the present Government had made. Why, it was, that the French had obtained a lease for a year of a small island off Port Mahon, for which they paid a rent of sixteen dollars a-month—a lease, too, which they had bought of the Americans, as anybody would buy a lease of a house, and of which they had got a renewal for two years. But he would tell the right hon. Baronet, if he asked what Ministers had done to rescue Spain from any foreign influence whatever, be it France or any other country, that by establishing a constitutional Government, by introducing popular control over the executive, they had done more to secure the independence of Spain than they could have done by getting the Spaniards to concede the lease of a paltry islet. Then the right hon. Baronet turned to France, and said, that Ministers had boasted of having framed that noble alliance, and of having cemented a good understanding between the two countries. The right hon. Baronet had asked, what had it all come to? and had tauntingly remarked, that France had fifteen sail of the line in the Mediterranean. The right hon. Baronet complained too, that a spirit of hostility towards us was growing up in France. Why, if he were to be asked what was the cause of that spirit of hostility, what at least was the probable cause of it, he should say, it was the language held during the last four or five years, not by the right hon. Baronet, because he knew too well the consequences of indulging in that strain, but by all the Gentlemen who surrounded him, and by all the party in another place, who seizing on every little incident which they thought might be made a handle for creating ill-will between the two nations, endeavoured by every means to excite the jealousy of England, and revive her ancient animosity against France, and by so doing to provoke of necessity corresponding feelings on the part of France towards us. That part of the public press, too, which might be supposed to speak the opinions of the other side, had been perpetually, for a great length of time, holding the same irritating language, and exciting a return of it from the French newspapers. He declared that if there was, which he did not believe to exist, a growing spirit of jealousy and unfriendliness towards England in any considerable party in France, he could not be surprised at it, from the tone and manner in which everything connected with France had for a long time past been treated by Gentlemen on the other side of the House. But he said that it was not so; he said that there were obvious bonds of union, deeply rooted, and firmly founded on the most vital interests of the two nations, existing between Great Britain and France, and he could relieve the mind of the right hon. Baronet, who had said, that in the present month there were probably fifteen sail-of-the-line in commission, by assuring him that he had the firmest conviction that the Government of France, and all those statesmen who had the greatest influence on the policy of that country, were as strongly convinced as her Majesty's Ministers, were that the friendly union now happily subsisting between the two countries was as essential to the interests of both nations as it was to the general peace and happiness of Europe. He had not thought it worth while to dwell on instances of our success which might be an excellent set off against the cession of the lease of an island off Port Mahon, and the existence of fifteen French sail-of-the-line in the Mediterranean. He had not thought it worth while to mention that from Spain, a Government with which we had no influence, according to the right hon. Baronet, we had obtained a treaty for the suppression of the slave-trade, which no administration had ever obtained before; that from France we had obtained a treaty of the same kind, giving a mutual right of search, a right which it was obvious that there must be many reasons to prevent the French from conceding, except with great difficulty. He would not dwell on these things, though he thought them no bad set off against some, on which the right hon. Baronet had laid great stress, but he asserted that if it had been a main object of the policy of Ministers, as it undoubtedly had been, to cement a good understanding between England and France, in that object they had entirely succeeded. But then the right hon. Baronet ventured on another topic of accusation, and charged him with having on a former occasion boasted that in three weeks he would send a consul to Cracow. He had boasted of no such thing. A right hon. Friend of his had made a motion for an address to the Crown, among other matters to appoint a consul at Cracow. He then stated that it was the intention of Government to appoint a consul at that place, and thereupon the motion was withdrawn. That was their intention without doubt, but afterwards they were led to alter that intention. Ministers had then made no pledge, circumstances had arisen which had induced them to alter their intention, and they had not appointed the consul because they found it would give umbrage. In the first place, it would have given infinite umbrage to the powers which had the chief command over Cracow, and in point of fact, if those powers had chosen to make the Cracovian authorities refuse to receive our consul, they would have refused to receive him, and we should have had no power to compel them to accept him. Taking all circumstances into consideration, it did not appear to Ministers that there was a sufficient motive for sending a consul thither. Some of his hon. Friends, he knew, had a strong feeling on this point, and if they chose to argue the matter, he would be ready to meet his hon. Friends. He repeated, that Government had not thought it worth their while to send any representative to Cracow. These, he thought, were all the topics on which the right hon. Baronet had touched, if he excepted the accusation that the present Government had not succeeded in composing differences. Why, he maintained, that in that object they had been most successful, they had composed differences, and those of a very embarrassing and delicate kind. A great difference had been growing up between two powerful countries, with each of which it was of the greatest importance that the British empire should maintain peaceful relations—France and the United States. Those countries were quarrelling on a point of honour, they could not come to an accommodation without the intervention of a common friend. "We," said the noble Lord, "stood forward, we settled, we composed that difference, we prevented a war which would have been most calamitous to both parties, and which might have involved this country, too, in the blaze." Again, there had arisen a difference between France and Mexico, which might not have had consequences so serious to the contending parties, but which would have caused great injury to England in its commercial relations. Well, the present Government composed that difference too. "Oh, but," said the right hon. Baronet, "you have not composed the difference respecting the north-eastern boundary of the American provinces." They had not yet done that, certainly, but he begged leave to ask the right hon. Baronet, whether former Governments had been more successful—whether the right hon. Baronet himself had been more successful? Had he found it so easy a question, or was it more near to a settlement in the right hon. Baronet's day than at present? If the right hon. Baronet had endeavoured to pick out the narrowest and smallest topics to which to draw the attention of the House, he could not have succeeded better. That was the policy of the right hon. Baronet; but Ministers had taken higher views and a larger range. Their great object had been to preserve peace. They were told by an hon. Member opposite, on succeeding to power, that they could not preserve peace for three months; they had preserved it for ten years. Their policy had not been, as the right hon.

Baronet said, to intermeddle in the affairs of other countries, but by the legitimate exertion of the influence of Great Britain to support other nations in their struggles to obtain for themselves institutions similar to those which had been described as forming the boast of this country. In that object they had succeeded; for in no equal period of time, he would venture to assert, had civil liberty made such progress as in those years during which, according to the right hon. Baronet, the policy of Ministers had been singularly unfortunate. They had been successful in so many things, that he had almost forgotten to recall to the recollection of the House the successful close of the negotiations relating to Belgium. That, he supposed it would be admitted, was an arrangement of no small difficulty, of no inconsiderable importance to Europe, of no small moment especially to England, and yet in that they had been successful, without drawing on that war so often predicted as the inevitable result of all their efforts. But while they had protected the friends of civil liberty in Europe, had they thereby forfeited the friendship and goodwill of those powers whose Governments were constructed on a different principle? He answered confidently and boldly, No. In the first place, although reproached with having alienated for ever our ancient allies, the Dutch, they had obtained from them a treaty of commerce abolishing those differential duties, which had been vainly solicited by former Administrations, disposed to be most friendly to Holland. They had concluded with the Governments of Turkey and Austria treaties of the utmost importance, which, when fully in operation, would confer extensive benefits on our trade. He asked again, if in pursuing that course which their own feelings as British Ministers had led them to consider to be, not only best adapted to secure the interests and welfare of the empire, but most congenial to the wishes of the nation, they had lost the friendship or forfeited the goodwill of other states? No, he repeated, for if any period could be pointed out at which more than at another time the Governments to which he alluded —those of Austria, Russia, and Prussia— were disposed to place confidence in that of England, it was the present moment. Therefore, he said, that the right hon. Baronet had utterly failed to establish the positions with which he set out, and he fearlessly asserted that in everything of importance which the present Government had attempted to accomplish they had hitherto succeeded. He knew that many of those objects were distasteful to Gentlemen opposite, but he nevertheless thought them calculated to promote and secure the best interests of England. So far, then, from the right hon. Baronet having proved, that Ministers had been uniformly unsuccessful, it had been shown that there was not one important object they had tried to secure in the attainment of which they had failed.

Sir *R. Peel* said, that there were two or three points in the speech of the noble Lord which he would very briefly notice. In the first place, he would advert to the subject of the general tenour of his own observations. They were made in answer to a boast by the noble Lord, that under his administration of the foreign policy of this country, the influence of England had a predominating weight. He had selected, therefore, one point which showed what was the extent of our influence with the three powers. He had also taken the case of Portugal, and referred to our negotiations on the subject of the slave trade with that power, by whom, upon the admission of the noble Lord himself, every engagement which she made with us had been violated, notwithstanding our advance of half a million to enable her to carry out the objects of those negotiations. He had noticed also the claims of the British subjects, which had that night been brought forward by his noble Friend, which claims, by the noble Lord's admission, had not been satisfactorily adjusted, and he did infer from these circumstances, that the policy of the noble Lord had not been so successful as he had represented it to be. The noble Lord had said, that Don Miguel would not have given this country more than the present Queen of Portugal. That was the whole amount of the difference. "It is true," said the noble Lord, "that I got nothing for you, but you would not have got more from Don Miguel." The noble Lord said, that the Members of former administrations would have been guilty of the enormity of recognizing Don Miguel. Why, supposing they had been guilty of such an enormity, they would only have done what Lord Althorp told them to do. That noble Lord, whom hon. Members opposite had selected to become the leader of the party in the House of Commons, called the Administration to which he (Sir R. Peel) had belonged, to an account for not recognizing Don Miguel, and said, that whatever Don Miguel's character might be, in his opinion, the time was come, when, in conformity with the ancient policy of England, the then Government ought to recognize Don Miguel as the *de facto*, if not the *de jure*, Sovereign of Portugal. The noble Lord said, that the objects which he had failed to accomplish, were in themselves trifling and of no importance. He said, that the question of building a chapel at the Havannah was not an object of any great importance. But he had brought these instances forward for the very reason that the objects which the noble Lord had failed to accomplish, were trifling and unimportant. Just as they were unimportant, exactly in the proportion of their triviality, was his proof conclusive, that the influence of England was not predominant, and that the policy of the noble Lord had not been successful. The noble Lord said, he had maintained peace; but had he reaped the advantages of peace? Had he been able to make the reductions which ought to be made in time of peace? If the peace which was now maintained was of so feverish a nature, that it was necessary to increase the establishments of the country, the noble Lord had very little reason to boast of the maintenance of peace. He would now refer to the case of Cracow. The noble Lord said, he had made no boast of what he would do in that instance. That was undoubtedly true. The noble Lord had made no boast, but when a motion with reference to Poland was brought forward, he had made a public declaration, which led to the abandonment of the motion, that three months should not pass before he sent a consul to Cracow. And yet the noble Lord said, he made no boast of what he would do! The noble Lord said, he was deterred from sending a consul to Cracow by the apprehension of giving umbrage to the other powers. That was a very good reason, perhaps, for abandoning his intention, but it was no reason why, after stating that he would act upon that declaration, he should boast of the influence of England and the success of his policy. Now with respect to our relations with France. The noble Lord said, that the language of the party with which he was connected, and the language of their press, endangered the stability of our alliance with that country. Now, he would tell the noble Lord, that his alarm arose from the language of the noble Lord's press. He must tell the noble Lord, that it was perfectly well known, that the language of that portion of the press which was supposed to speak the sentiments of her Majesty's Government had done more to create irritation in France than all the speeches made in either House of Parliament by individuals, and all the language used by the press which it was supposed represented the opinions of the Conservative party. He would not at that late hour of the night refer further to the speech of the noble Lord, having already spoken upon the question, but he had thought it proper to remark upon the cases of the chapel at the Havannah, and the conduct of the French Government at Portendic as affording an argument to show, that the influence of England did not enjoy that predominance which the noble Lord asserted her to possess, and that his own policy had not been advantageous to the interests of this country.

Viscount *Sandon* confessed his surprise that the noble Lord, after the utter inutility of his efforts had been exposed, should yet take credit to himself for the protection and encouragement which he had given to our commerce. The noble Lord ought not to look to the establishment of abstract principles in other countries, but to the substantial interests of his own. He professed, indeed, to be a follower of the principles of Mr. Canning, who said, that while he was a Minister of England, he would look like a Minister of England to the interests of England, and not to the foundation of abstract principles abroad. After the statement of facts which had been made, surely the noble Lord had no right to say, that the influence of England was predominant, or that his own policy had succeeded? Surely, when he said so, he had forgotten how France laughed to scorn our interference when her own aggrandizement was in question? Surely, he must have forgotten how long the interests of England had suffered from neglect in the Gulf of Mexico, and in the Rio de la Plata. Surely, he must have forgotten the establishment of new principles of blockade, which were denounced by the judge of the Admiralty, the noble Lord's supporter in that House? He recollected the noble Lord boasting, that no Minister had ever done so much for commerce as he had. It was always the noble Lord's way to meet charges of the kind which had been brought forward to-night with so many strong assumptions. But if the case were as the noble Lord represented it, certainly there never was so ungrateful a body of men as the merchants of this country. He had not intended to have entered into this debate, but having been frequently made the channel of complaints that our commercial interests had been neglected, he could not listen in silence to the boast of the noble Lord of the attention paid to our commerce in all quarters of the globe, and the success with which his efforts had been followed.

Captain *Pechell* rose for the purpose of protesting against the language which had been used in that House and elsewhere with respect to the appointment of Admiral Fleming. He had seen Admiral Fleming in command more than thirty years. He was a good officer, and a most diligent cruiser. He considered that the gallant Admiral was quite able to conduct the duties of the office to which he had been appointed. Would they have an old man appointed, whose infirmities would prevent him from doing the duties of the office? Why did hon. Gentlemen cavil at the appointment of Admiral Fleming? No one found fault with that of Sir Thomas Hardy. When he heard it advanced, that good officers would not be got to serve in the navy if a war should break out, because they had no affection for Ministers, he could not but protest against such language. He did not believe, that the officers of the French navy would stand up and speak disrespectfully of their colleagues and superiors. He had not met with that dissatisfaction out of doors on this subject which was represented to be in existence, and he would add, that he did not believe the officers of the Royal Navy generally did concur in the observations which had been made in another place.

Viscount *Ingestrie*, in explanation, begged distinctly to discharge himself of having intended to say anything personal against Admiral Fleming. He spoke of him only in reference to his political appointment.

Sir *E. Filmer* said, the gallant Captain had put himself up as the champion of Admiral Fleming, but he had forgotten to state how many times the admiral had been in collision with an enemy. He now asked the gallant Captain that question.

Captain *Pechell* denied, that he had started up as the champion of Admiral Fleming. He rose to defend the navy generally, and to protest against the language that was used about the navy as well as Admiral Fleming, who had distinguished himself in various ways.

Captain *A'Court* wished to say nothing against Admiral Fleming, but he believed him to be ineligible for the office he now held, and that he ought not to be appointed when there were so many officers above him, and below him too, who had fought and bled for their country, and acquired distinction by their gallant services, and who ought to have been considered before Admiral Fleming. On the part of the service to which he had the honour to belong, he entered his protest against that most unjustifiable appointment—an appointment which he was sure the country at large reprobated and condemned.

Vote agreed to.

The House resumed.

HOUSE OF LORDS,

Monday, February 24, 1840.

MINUTES.] Bill. The Royal Assent was given by Commission to the Transfer of Aids Bill.

Petitions presented. By the Marquess of Westminster, from the Trustees of Charities in Shaftesbury, for Redress from Injuries done them by the Municipal Reform Act.—By the Marquess of Normanby, from Marylebone, for the Repeal of the Corn-laws.—By Lord Abinger, from the Soldiers and Sailors Friends Society, against Socialism.—By the Marquess of Bute, from Ayr, and other places, for an Alteration in the Law of Church Patronage in Scotland.

CORPORATION. APPOINTMENTS OF TRUSTEES.] The Marquess of *Westminster* presented a petition from individuals connected with certain small charities, whose right to administer the same had ceased and determined by the Municipal Corporation Act, complaining that the expense of appointing trustees under the Act was more than the funds of the charities could bear, and praying for some measure of relief. The noble Marquess called the attention of the noble and learned Lord on the Woolsack particularly to this subject.

The *Lord Chancellor* admitted that the grievance was one which deserved the serious consideration of the Legislature.

The subject was one which was attended with considerable difficulty with reference to the views which were entertained amongst the parties concerned themselves. Certain of them might desire some alteration, but before that could be effected, it was necessary to have the concurrence of all. If any mode presented itself to him by which the difficulty could be overcome and the grievance removed, it would be his duty to bring it under the consideration of their Lordships.

MINORCA. FRANCE.] The Marquess of *Londonderry*, seeing the noble Viscount in his place, was desirous to ask him a question respecting what was called the temporary occupation by the French of King's Islet, near Minorca, in Port Mahon. When on a former occasion an inquiry was made relative to this point, the noble Viscount said, he was quite assured that the papers which would be laid before their Lordships would be found to give a perfectly satisfactory explanation. Now, he must declare that those papers were not at all satisfactory to him, and to show why they were not, he begged leave to refer to the despatch (No. 4.) from Sir George Villiers to Viscount Palmerston, dated November 4, 1837. It was there stated :—

> "A report of the Committee of state on the occupation of the King's Islet, in Port Mahon, by the French has been read, and was approved without discussion. The proposition on which the report was founded was to the effect, that the measure adopted by the Government with respect to this island should be suspended; and the committee declare, that they have observed with the greatest regret the steps that have been taken by the Government on the subject. It appears, the Committee state, that the French have for some time rented the island from the local authorities as a depôt for coal, and as it is now likely to be more necessary to them than ever, on account of their occupation of a portion of the coast of Africa, the French Ambassador at this court received instructions from his Government to apply to the government of her Catholic majesty for the use of the buildings on the island for a fixed period. The Government consulted the authorities of the island, and although their report was unanimously against acceding to the request, it was granted by the Government, on account of its being politically convenient not to deny this favour to an ally, when on the other hand, the inconveniences attending the refusal of it were taken into consideration. The French government were therefore permitted to hold the premises in question for the term of two years, renewable at pleasure, for the annual rent of 300 reals (3*l*.). After having heard the Minister of State, and although extremely desirous of manifesting a sincere wish to maintain the most friendly relations with France, the Committee nevertheless advised the Chamber to offer to the French government the best buildings on the island of Minorca itself, which may be adapted for the objects in view, instead of the spot called King's Islet, by which proceeding, they state, the wants of the French vessels of war will be consulted, and the national anxiety on the subject tranquilized."

Now there was in his opinion, a great deal of difference between occupying houses and barns situated on the island of Minorca, and occupying King's Islet, in the centre of Port Mahon. Looking to the last letter dated January 16, 1840, from Mr. Gaynor, the British Vice-Consul at Port Mahon, on this subject, he found that it merely stated, that—

> "Since the departure of Consul Lieutenant Colonel C. L. Fitzgerald, nothing has occurred worthy of remark, except the renewal of the lease, by the Spanish to the French government, for two years of the King's, or Hospital Island, situate in the centre of this port, with its hospital and its appurtenances, at a monthly rent of 16 dollars, with the reserve, in case Spain should not have occasion for it."

It was to be observed that not a single reason had been given why the buildings and barns on the island of Minorca were not appropriated instead of this islet. He believed that any person who was acquainted with the position of the latter, would state, that if the French were to have possession of it for two years, unless they were absolutely prohibited from erecting fortifications, they would make it so formidable a post, that, if we ever returned (as was by no means impossible) to a war with France, (in which case, he had no doubt that the waters of the Mediterranean would be the scene of conflict), it would be found to operate injuriously to our interests in that quarter. He could not, therefore, avoid looking with jealousy at their occupation of an island in the centre of Port Mahon. He wished consequently, to know whether any communication had taken place explaining why buildings and outhouses on the island of Minorca were not given up to the French, instead of a separate island? The subject was very important, and on some future day he would propose a motion with reference to it.

The Earl of *Clarendon* could not see

what right the British Government had to ask of the Spanish Government its reasons for not having adopted a resolution of a committee of the Cortes. That, amongst other matters, had been taken up by the opposition in the Cortes, and had been used to excite an ill-feeling against the Government. A Committee was appointed, and had made the report which had been alluded to. But the lease having been granted long before, the Government saw no reason to rescind it. The warehouse and hospital so leased were first in possession of the United States, and afterwards, in a strange manner, handed over to France, who wished to make use of it as a dépôt for coal, and there was no objection to granting it to them for that purpose, on the same terms as those on which it had been held by the American Government. There was, moreover, a clause in the first lease, which stipulated that the French should not exceed the authority exercised by the previous occupiers of the island; and in the lease now granted to them for two years there was a similar stipulation; besides which, they were only to hold the station in the event of the Spanish Government not wanting it for their own use. Inquiry had been made of the French Government as to what were their intentions respecting the place; and the answer was, that they merely wished to use it as a coal dépôt; and it appeared to him that there could be no objecton to their using it for that purpose.

The Earl of *Aberdeen* said, that the matter was one of considerable importance. It was not the first time the French had endeavoured to establish a footing in the island. They had requested permission to place a dépôt there ten years ago, but the Spanish Government then refused its permission to allow the French to form any such establishment. The noble Earl had said, that the matter had excited a great deal of alarm and of interest in Spain. Those feelings, in his opinion, were very natural. The noble Earl had also stated, that the Opposition in the Cortes had taken up the question. Surely, it was very natural that they should, and he was afraid that the Opposition in their Lordships' House would also find it necessary to take it up, in order to show that it was a point which might lead to very serious consequences. The Cortes committee had recommended that if the French formed an establishment of the kind, it should be on the main land, where they would be more under the control of the Spanish Government, which might prevent them from erecting such works as at a future period might become formidable. The noble Earl, however, said, that it was a temporary agreement, and he asked, what right had we to interfere with the distribution of any portion of the Spanish territories? He would answer, that we claimed that right for the best of all possible reasons—for the security of our position in the Mediterranean. Our interest there rendered it imperative on us to interfere. He conceived that they had a right to complain, not that the French Government had placed themselves in this situation, but that the Spanish Government had given to France this facility for forming an establishment which might seriously affect the interests of this country. The noble Earl had not told them that by the terms of the lease the French were prohibited from strengthening themselves on the island, which was a very important matter. If it could be shown that the French meant only to have a dépôt for coal, or an hospital for the sick on the island (it being strictly provided that they should not convert it into a post of strength), the matter would then assume a different aspect. But, unless the noble Earl declared that they were positively prevented from erecting any buildings that partook of the character of barracks, or had a hostile appearance—unless he showed that it was impossible for them to construct any buildings on that island which might be available to them in military operations, in that case the objection to the continuance of the French there became exceedingly strong. Considering all that had taken place in that part of the world, no one could be surprised that there should be some degree of anxiety felt in this country on the subject.

Lord *Ellenborough* wished to know if the French had erected any building in the island besides dépôts and hospitals? Whether any edifice had been raised there that was not strictly in accordance with the terms of the lease?

The Earl of *Clarendon* was not aware that the French had erected any other. He believed that the Spanish Government would not allow the erection of any building whatsoever of a military character. The noble Earl had stated that the Spanish Government had refused to lease the island to France. [The Earl of *Aberdeen*.—In 1830.] He believed, that about 1830 the American Government had handed the island over to France; and very shortly after the taking of Algiers the French turned it into a coal dépôt. They had now held it for several years, but only as a coal dépôt. He believed that there were none but invalids there: and there had never been more than one sloop of war at any time near the island, He had not the least apprehension of the French forming a military establishment on the island. He had made inquiries on these points; and he found, that since the French had occupied it no individuals appeared there, except a few to receive coals; and, as he had said before, there had been but one French sloop of war on the station.

Viscount *Melbourne* said, he did not know they could prevent the French from establishing themselves on the island, with the concurrence of the Spanish Government. If the French had endeavoured to settle themselves in the island of Minorca, he thought the jealousy of the House and of the country might fairly have been roused. Their possession of this islet was, however, a very different matter. In his opinion they had no ulterior objects in view; and, certainly, if they entertained any such, they had acquired no very great facilities for carrying them into effect.

Conversation ended.

ANGLO-SPANISH LEGION.] The Marquess of *Londonderry* rose to address their Lordships on another question. Though it might be somewhat irregular, he should solicit the indulgence of their lordships whilst he said a few words on the claims which the British Auxiliary Legion had on the Spanish Government—claims which, up to this hour, were unsettled. He could assure their Lordships, that he was not about to make any attack upon her Majesty's Government. He thought they must have had enough of attacks—attacks sufficient to sicken, nay, to kill, half-a-dozen Governments. [Viscount *Melbourne*, "*Oh, no!*"] The noble Viscount might laugh; but he would tell the noble Viscount, that when the French Ministers were recently left in a minority of twenty-six, they, acting on a point of honour, declined to carry on the Government; but the noble Viscount and his colleagues, notwithstanding they were beaten on one question by a majority of 104, and on another by a majority of ten, still continue in their ignoble position of stedfastly adhering to place and pay, although they must feel that the right hon. Baronet, the Member for Tamworth, and his friends, ought to fill the situations now held by the noble Viscount and his colleagues. Having said this, which he was induced to do by the manner of the noble Viscount, he should now return to the subject to which he wished to call their Lordships' attention. He had recently received several letters from parties who had belonged to the Spanish Legion, and who were suffering greatly in consequence of the non-settlement of their claims by the Spanish Government.—He had received a letter on the subject which he would at once read:—

> "As I perceive you are shortly to bring the affairs of Spain before the House of Lords, I trust your Lordship will not allow the opportunity to pass without inquiring of the Government whether there is any chance of the claims of the unfortunate men who served in the British Auxiliary Legion being liquidated. There is above 200*l.* due to me on account of those claims, which would be a great relief to me, as I have been much distressed in consequence of the delay. Your Lordship's exertions towards effecting an arrangement, will ever oblige your Lordship's humble servant."

The date of this letter was the 14th of February, 1840, and the address 54, William-street, Dublin.

There were circumstances of a peculiar nature connected with those claims, to which he begged leave to call their Lordships' serious attention. An attempt was made at St. Sebastian to settle these claims. The noble Earl opposite (the Earl of Clarendon) had stated in May, 1837, "that his intervention with respect to the payment of these demands was recognized by the Spanish Government," which he considered as a distinct guarantee for the liquidation of those claims by the noble Earl, who was then our ambassador at Madrid. The noble Earl now belonged to her Majesty's Cabinet (he knew not whether he had much influence there), but he asked him whether he would exert himself to fulfil the guarantee thus given. In the last Session he had charged the Government with being privy to the convention which Colonel Wylde had entered into relative to the payment of these claims. At that time the noble Viscount denied that the gallant Colonel had any authority to act on behalf of the British Government. Colonel Wylde was now in this country, and, he would ask, whether he had any authority as a British officer, as well as a Spanish commissioner, to see that those payments were adjusted and effected? If he had no such authority, then he must say, that Colonel Wylde had acted in a very reprehensible manner; but if he had such authority, then he could not see how the British Government could get out of the difficulty of forcing Spain to liquidate those claims. Colonel Wylde arrived in St. Sebastian previous to June 10, 1837, and signed warrants for the issue of pay, and on the 10th of June issued the following order:—

> "The officers of the British Auxiliary Legion, whose term of service expires this day, will be entitled to billets, pay, and rations, until they are settled with, and vessels provided to convey them to England.
>
> (Signed) "W. WYLDE, Colonel."

His conduct also at a public meeting was most extraordinary:—

> "At a public meeting of officers in San Sebastian, Colonel Wylde said, that he stood before them in a twofold capacity, viz. as 'a commissioner from the Queen of England, and as a commissioner from the Queen of Spain,' and that he was authorized by her Britannic Majesty's Minister at Madrid, to pledge himself that a portion of pay should be issued before they left Spain, and that they should receive good bills for the remainder. Colonel Wylde and Brigadier-General Tena afterwards gave to each paymaster a warrant to estimate for and pay their officers to the day when their arrears should be settled in good bills or cash. A similar warrant was also given to Deputy Commissary-General Black, for the payment of officers of the staff, &c. In consequence of these assurances, a number of officers and men were induced to enter the new Legion, the conditions of service for which were also signed by Colonel Wylde."

The noble Lord the Secretary for Foreign Affairs was reported to have said, in another place, that though the British claims on the Portuguese Government were not so strong as those of the Legion officers on Spain, still if the Portuguese Government refused to satisfy the claims awarded by a British and Portuguese commissioner, he certainly should enforce satisfaction. Now what was 280,000*l.* or 300,000*l.* to the Spanish Government? It was true their finances might be in a state of difficulty; but would any one say that this country might not, by some financial arrangement with Spain, render valuable those securities which had been given to the Legion, and which were at present worthless? Why could not those assignats or certificates be given in payment for duties? Why might they not be made available through some other commercial channel if the Government chose to insist on it. Why might not 200,000*l*, be received by some plan of the nature for those unfortunate men, who were now suffering the deepest distress, and who could plead that they had the guarantee both of the noble Earl and of Colonel Wylde that their just claims should be fairly met and settled? What had they got? Nothing but bad notes or assignats, as they were called, of General Alava; and they were now at a discount of twenty-five per cent. The Jews had been busily engaged in buying them up; and though he would not say that members of the Spanish mission had been engaged in such a traffic, he could not, and would not, conceal from their Lordships, that a report to that effect was current. He called upon their Lordships to look at the mode in which the Foreign-office had disposed of the superior officers of the Legion, in order to get rid of their importunities. He had got a list of the officers who had served in the Legion, and had subsequently obtained promotion in the British army, and a very curious list it was. Their Lordships would hardly believe, that out of the officers who had served in the British Auxiliary Legion, fifty-six had either been promoted in the army by the Horse Guards over the heads of older officers in India and elsewhere, or had been provided for in the civil service of the country, no doubt upon the recommendation of the Foreign-office.

The following is a list of the officers rewarded by honours, promotions, and appointments, for their services in Spain: which was read by the noble Marquess:—

Sir De Lacy Evans, Lieut.-General, made a K.C.B.—Evans, Brigadier-General, appointed Military Secretary to the Governor of Madras.—M'Dougal, Sir Duncan, Brigadier-General, knighted.—Shaw, Sir Charles, Brigadier-General, knighted, and made Commissioner of Police for Manchester.—Le Marchant, Sir J. G. knighted, and appointed to command a British regiment.—Chichester, Brigadier-General, appointed to the command of a British regiment.—Fitzgerald, Brigadier-General, appointed consul at Carthagena.—O'Connell, Brigadier-General, Military Secretary, New South Wales.—Jochmus, Brigadier-General, employed on secret service in Turkey.—Reid, Brigadier-General, Governor of Bermuda.—Colquhoun, Lieut.-Colonel, from Second Captain of Artillery to a Lieutenant-Colonelcy.—Boyd, Lieut.-Colonel, Majority 38th Regiment.—Ibbetson, Assistant Commissary-General, made Assistant Commissary-General British Service.—Hicks, Colonel, made Barrack-master.—Wetherall, Colonel, appointed Commissioner of Police in Canada.—Wakefield, Colonel, appointed Lieut.-Governor of New Zealand.—Swan, Colonel, employed on a particular service in Canada.—Rottenberg, Baron de, ditto.—Johnson, Captain, made Queen's Messenger.—Browne, Captain, appointed clerk in the Foreign Office.—Hoseason, Mr. C. C., appointed clerk in the Colonial Office.—Considine, Lieut.-Colonel, appointed Military Secretary, West Indies.—Wylde, Colonel, C. B. made full Colonel, and appointed Equerry to his Royal Highness, Prince Albert; his son made clerk in the Foreign Office.

He had gone only through a part of the list, and there were fifty-six of them in all. How, he would ask, did it happen that all the officers had been provided for, while the men had been abandoned? Men could not help asking themselves whether Ministers had not given them promotion to get rid of their importunities. If they had not done so, they had contrived very badly in providing for all the officers, and in abandoning all the men. A commission, it was true, had been appointed to examine into their claims; but the very first measure it had taken was to close it by fixing a certain time, after which it would receive no claims. Yes, they issued a statement that all claims not sent in by a certain time (he believed it was the 9th of September,) would not be admitted. They had not however given any public notice of this their intention, either in Ireland or in Scotland, or in any other more distant parts of the British empire, where these unfortunate men or their relatives might happen to be residing. He was surprised that such public notice had not been given by some of the superior officers connected with the Legion. The commission, however, had sat for some time, and he was given to understand that not less than 3,000 certificates were still wanting by the men. Here he would beg leave to call the attention of their Lordships to the conduct of the commission:—"Contracts had been agreed to or broken, as suited the purposes of the commission; medical certificates had been refused and granted without sufficient grounds; pensions had been refused to some officers who were entitled to them, under the British regulations, and allowed to others who had no right to them. The decision of the war-office had not been given on the claims until it had been extracted by dread of public exposure. Gratuities had been denied to several officers, who had done good service, while they had been given to others, who had either retired or had been dismissed from the Legion." Such were the representations which had been put into his hands; and he believed the real truth of the circumstances to be, that these unfortunate men were kept out of their money by the base manœuvring of the Spanish Government, through Spanish agents in this country. He hoped that the noble Viscount or the noble Earl opposite, would feel it to be his duty to bring this question to a direct issue; and if in a short time he did not see a prospect of immediate justice being done to these claimants, he would, soon after the recess, move an address to her Majesty, that she would take measures with the Spanish Government to have these claims adjusted. The noble Marquess then moved, that "there be laid on the table a return of all decisions of the War-office on the pensions and compensations granted to the wounded officers of the British Auxiliary Legion, and also a return of all the outstanding claims of the men of that Legion not presented before the 30th of September, 1839." He concluded by asking the noble Earl opposite whether any arrangement had been made on the subject to which his motion referred with the Spanish Government; and if not, whether it was the intention of her Majesty's Ministers to propose to that Government any mode of arranging these claims?

The Earl of *Clarendon* said, it was very satisfactory to find that these unfortunate men, who had been so long and so unceasingly the objects of the keenest vituperations of the noble Earl, and on whose conduct he could not formerly bestow a single word of approbation, had now become the objects of his warmest solicitude. Instead of entering into the wide field of observation into which the noble Earl had directed his discursive march, he should confine himself to the statement of a few facts, and more particularly to the refutation of the attack which the noble Earl had made upon himself and upon the guarantee which the noble Earl had said that he gave, when the men of the first Legion were on the point of embarcation for England. As the representative of the British Government at the Court of Spain, he had no official right to interfere to procure the payment of individuals who had voluntarily enlisted themselves in the service of the Queen of Spain; but as an Englishman having some influence at her court, it was impossible for him to remain passive to the necessities and wants of so many of his fellow-countrymen. He had, therefore, used his best exertions to obtain the fulfilment of those engagements into which the Spanish Government had entered with them, and he was happy to inform their Lordships that every claim which he had brought forward had been listened to, and as far as was possible at the time complied with; and that, under these circumstances, he had written to General Evans, stating, that as the Spanish Government had accepted his intervention, he had no doubt that all the engagements which it had made with the men of his force would be performed. What had been the consequence of that intervention on his part. That every soldier who went away was paid up to the time of his embarkation. All of them were paid except 250 Lancers, as fully as if they had belonged to the British army. There were 3,000 or 4,000 men thus paid up. The noble Earl laughed at that statement. Did the noble Earl mean to deny it? [The Marquess of *Londonderry:* Push it further—push it further.] "Push it further?" What does the noble Earl mean by that? With respect to the fifty-six officers who had been appointed to various situations, and whose promotion the noble Earl attributed to a desire on the part of Her Majesty's Government to get rid of their importunities, he had only to observe, that he could not believe the noble Earl to be serious in making the statement which he had done upon that point. A great part of the officers whose promotion the noble Earl had attacked were personally unknown to him; he knew them, however, by character as some of the most distinguished officers in her Majesty's service; and he hardly thought their Lordships would sanction the idea, that because they had engaged in a service of which the noble Earl did not approve, they were therefore to have a bar set against their further employment. He believed that there was not one of those officers who had not distinguished himself greatly, and if they were taken individually, there was not one of them whose appointment was not defensible by the Government on its own special grounds. He should be glad to see the list which the noble Earl had read, and to give the noble Earl, in each particular case, an account of the reasons which had led to the individual's promotion. With respect to one of the officers of the name of Colquhoun, whom the noble Earl represented to have been appointed to a lieutenant-colonelcy in the British service, he happened to know that that officer only held that rank locally so long as he continued at Lisbon. With respect to the assertion that the claims of the soldiers had not been attended to, he must observe that they had received the whole of their pay, and that every farthing to which they were entitled as pay had been given to them just as if they had been serving in the British army. The noble Marquess shook his head; it was very easy to do that, but could the noble Marquess disprove his statement? It was true that the soldiers had not yet received their gratuities, and there were more reasons than the inability of the Spanish government to account for the non-settlement of those gratuities. It had taken a considerable time to examine and audit the accounts, which were of a very complicated character. He stated with confidence that the Spanish government had proceeded in the examination and audit of those accounts with the most complete good faith. He thought that when the noble Marquess calmly read over his remarks of that evening, he would regret deeply having said that the members of the Spanish mission had been concerned in discounting the certificates granted to the soldiers of the Legion, and would also regret having brought against the Spanish government a charge of insincerity and fraud. With respect to the commission, and the notice which it had given, he would now proceed to make a very short statement. He would inform the House of what that commission had done. It was appointed in November, 1838, and had been engaged for nine or ten months in its labours, during which time the claims of 3,000 men had been examined into, and nearly as many certificates had been granted. At the end of that time it was thought that no more claims would be brought forward, and therefore the commissioners, in order to save the expense of keeping the commission open, expressed an opinion that the commission ought to be closed. They therefore published a notice in August, 1839, stating that, after a month from the date thereof, no fresh claims would be received. Was there any secrecy in that? The fact was, that the notice was published in all the newspapers at the time, and was publicly posted up in all the towns where the men of the Legion had been first enlisted. It was afterwards stated in another place, by his noble Friend, the Secretary of State for Foreign Affairs, that, as the notice up to the 15th of September was not considered sufficient, fifteen days more would be granted, and ultimately the notice was extended to the 30th of September, 1839. It was furthermore stated, that as there were some claims into which inquiry could not be made in Spain conveniently to the claimants, inquiry into them should be instituted in London. Now, to that arrangement, none of the superior officers of the Legion had offered, on behalf of their men, the slightest objection. Perhaps it might be convenient, as this discussion would go abroad, to state how this commission was composed. It was composed of one individual, a gentleman of high character, selected by the Legion itself, and possessing its entire confidence, who had been substituted for another gentleman, of whose proceedings the Legion did not approve, and to whom, as a substitute for the former gentleman, the Spanish government, though it might have objected, had not made any opposition. It was composed of another individual appointed by the Spanish government, a Spaniard, a gentleman of great respectability, long resident in London, and thoroughly conversant with our language, and with our mode of transacting business. The referees were men of the most unsullied honour, and the most unblemished reputation, as he thought that their Lordships would admit when they heard that they were General Alava and Sir R. Dundas. Every point on which they decided was submitted to the War-office, and was not made public until it met the sanction of his noble Friend, the Secretary of State for Foreign Affairs. He contended that such being the facts, no commission had ever been appointed that was more calculated to give satisfaction to all parties who had any concern with it. The noble Marquess had said that he had made inquiries into this subject. Would the noble Marquess permit him to ask who the parties were of whom he had made inquiry! Were they persons worthy of credit? If the noble Marquess had wished to obtain redress for the grievances of the claimants, would it not have been more natural for him to have gone in the first place to General Alava or to Sir R. Dundas? Such a course, however, would not have suited the purpose of the noble Earl; yet such a course would undoubtedly have been much better than that of stigmatizing men of character as parties guilty of fraud and insincerity. Had the noble Earl pursued the course he ought to have pursued, he would have found that since the commission had given notice that it would close its labours, a thousand certificates had been issued, and he would also have found that the commission was not even yet closed; but that the most ample provision had been made — he would not merely say in the most just and honourable manner, but in the most generous spirit by the Spanish Government—for the liquidation of future claims, as might be naturally expected by all who were acquainted with the high and chivalrous character of General Alava. It might be as well for him to state once for all, that there were certain individuals, with not much knowledge, but with a large infusion of the spirit of mischief, who for the sake of their own paltry emoluments were most anxious that the labours of this commission should not be cut short. Now, if the noble Earl's object were to obtain for these claimants a redress of grievances, and not to make a mere statement of their sufferings, he would in future obtain his information from General Alava rather than from the individuals to whom he had just alluded.

The Marquess of *Londonderry* disclaimed all intention of asserting that the employment of these officers in the service of the Queen of Spain was to be a bar to their promotion in the service of the

Queen of England. He sympathized with the sufferings of the men of the Legion, because they had been the victims of the noble Earl and the noble Viscount opposite, who, as they seduced, ought to have protected them. He did not mean to deny that many of these officers had distinguished themselves in the ranks of the British army; but it was singular that no less than fifty-six officers should have been promoted for serving in the Legion—a number of promotions out of all proportion to its amount, when compared with the number of promotions granted to our officers in India, and in the other corps of the British army. The noble Earl had stated that the pay of the Legion had been granted; but he had been compelled to admit that the gratuities had not. He could not pretend to enter into all the details of this subject, but this he knew, that no less a sum than 280,000*l.* was now due, and remained unpaid, to the men of the Legion. The noble Earl took credit to himself for having obtained the pay of the Legion by means of his guarantee, but he seemed to have forgotten that his guarantee went not only to the pay, but to everything that was due to them in the service. Did the noble Earl mean to assert that Colonel Wylde had no right to make the declaration that he would be responsible for the pay and gratuities of the officers? This was a question which the noble Earl ought to have answered, but which he had not answered. The noble Earl had also challenged his sources of information. The noble Earl had asked, "Why did you not go for information to General Alava or to Sir R. Dundas?" It might be very satisfactory to the noble Earl to have him going to General Alava, whom the noble Earl had got completely under his thumb, but what should he have got by going? General Alava, no doubt, would have received him very courteously and civilly; he would have been as kind and as pleasant to him in conversation as he had been to the Spanish bondholders who went to him the other day for information as to the period when their dividend would be paid; and, like those unfortunate bondholders, he should have returned from the General just as wise as he went.

Viscount *Melbourne* in the few observations which he meant to address to their Lordships would confine himself to the motion of the noble Earl, and to the questions which had been put. And first as to the arrangement of the time for receiving these claims. After sitting for a period of eight or nine months, the commissioners announced on the 6th of August that it was their intention, upon the expiration of a month, to receive no more claims. Now, it was impossible that the business of any commission could be carried on by any different sort of arrangement. Upon a reference being made to his noble Friend the Secretary for Foreign Affairs, his noble Friend said that he conceived the time to be too short, and the period was accordingly enlarged to the 20th of September. He apprehended that this part of the motion would merely state these well-known facts, and throw no new light upon the matter. The noble Earl asked for the decision of the War-office. He did not know what that meant. But if he meant that his noble Friend had received from the Secretary-at-War statements of what would be the practice in the case of compensation for wounds, or other pensions in the British army, those statements had undoubtedly been forwarded for the information of the commissioners; but these were obviously papers which could not be produced. The statements in those papers could not be in anywise binding upon the commissioners, nor could they be at all regarded as decisions of the War-office. He did not, therefore, apprehend that it was at all likely that their Lordships would call for these papers. The noble Earl had asked whether any arrangement had been entered into with the Spanish Government for the liquidation of these claims. No final arrangement had as yet been entered into. The commissioners were engaged in ascertaining the nature and amount of these various claims. It would be for the Spanish Government, when the labours of the commission were terminated, to take their own view as to the most proper mode of liquidating these claims. If the noble Earl asked him what was the intention of the British Government, in the event of these claims not being liquidated, it was to use all fitting, proper, and discreet means of obtaining a settlement of these just claims from the Spanish Government. It was very possible, however, that considerable allowance was to be made for delay in the settlement of these claims, with a formidable civil war in the heart of the country; but, however this might occasion delay, he begged to state, that he did not in the least doubt the determination of the Spanish Government ultimately to satisfy all its legitimate claimants. He had as little doubt that no one would have reasonable ground to complain of the British Government for declining to take any fitting step to obtain justice for those who were entitled to its assistance and protection. This was the answer which he had to give to the motion and questions of the noble Earl. He did not see why, upon a motion of this description, the noble Earl should have given the names of so many officers, both civil and military, who had received promotion at home since serving in the British Auxiliary Legion. The last, however, which the noble Earl gave, contained the names of some of the officers of artillery, who had been employed in that service by the British Government, and who were as distinguished, he believed, as any officers in the British service. Whether those officers had been in Spain or elsewhere, they would have received this promotion, to which they were well entitled. Having heard the list which had been read over by the noble Earl, he must say that, in his opinion, there never were appointments more creditable to the Government.

The Marquess of *Londonderry* said, that as the noble Viscount had thought fit to deny the production of those papers which had passed between the Secretary of State for Foreign Affairs, and the War-office, he would not at present press the matter further.

Subject at an end.

* * *

HOUSE OF COMMONS,

Monday, February 24, 1840.

MINUTES.] Petitions presented. By Messrs. Ewart, O'Connell, and Captain Wemyss, from a number of places, for the Total and Immediate Repeal of the Corn-laws.—By Messrs. Bannerman, Baines, T. Duncombe, Brotherton, and Ewart, and Colonel Salwey, from a very great number of places, for the Release of John Thorogood, the Abolition of the Church Rates, and of the Jurisdiction of Ecclesiastical Courts.—By Sir R. H. Inglis, from Dublin, against Corporate Reform in Ireland.—By Mr. Wallace, from certain Carriers, against the Chester Railway Bill.—By Mr. Litton, from the Corporation of Dublin, for Redress if the Municipal Reform Bill for Ireland pass into a Law.—By Mr. Alderman Thompson, Alderman Copeland, and Mr. Liddell, from three places, for the Release of Mr. Sheriff Evans.—By Captain Wemyss, Mr. Bannerman, Mr. Fox Maule, Sir James Graham, and Mr. Colquhoun, from a number of places, against the Intrusion of Ministers into Parishes.—By Messrs. O'Connell, Bannerman, and Somers, from a great number of places for Municipal Reform in Ireland.—By Mr. Bannerman from Printers in Whitefriars, against the Copyright Bill.—By Mr. Crawford, from a Chinese Association, for Altering the Laws affecting the Trade with China.—By Lord Sandon, Sir James Graham, and Mr. Liddell, from Liverpool, and another place, for Church Extension.—By Lord Sandon, from the East India Association of Liverpool, for Equalizing the Duties on East and West India Produce.—By Mr. Ewart, from three bodies of Men at Hull, against the Inland Warehousing Bill; from Hull, for a Free Pardon to Frost, Jones, and Williams.—By Mr. Labouchere, from some Railway Company, against the Unequal System of Taxation on Railways.

MUNICIPAL CORPORATIONS (IRELAND)]. Lord J. Russell moved the Order of the Day for the House to resolve itself into a Committee on the Irish Municipal Corporation Bill.

On the question that the Speaker leave the chair being put,

Colonel *Verner* wished to say a few words in explanation of the vote he had given a few nights since, because he should be sorry to have it supposed that he obstinately preferred his own opinion to that of many hon. Members with whom he had always acted. He felt, however, he should not lower himself in the estimation of his friends by giving his vote in support of those principles which he conscientiously believed to be correct, notwithstanding their opposition. He would not now go into the arguments on the question, which had already been so frequently discussed, but he could not understand why they were now called upon to deviate from the course which had been pursued on former occasions. He could not see why they should deprive one class of men of those rights and privileges which they had possessed for a great number of years to give them to others, more especially when they recollected that those rights and privileges were originally given to them for the purpose of curbing those into whose hands it was now proposed to transfer them. He would state the reasons why he had voted against the second reading of this bill, and why he was now prepared to vote against going into committee. The House would recollect the time that had been taken up during the last two Sessions in discussing this bill. Every disposition had been manifested by that side of the House to give a bill to which they could conscientiously assent. Amendments had been proposed with a view of effecting this, and how had they been met by the noble Lord? With the most decided opposition. The hon. and learned Member for Bandon, upon the second reading of the bill, said that the present bill was a much more mischievous bill than any former one, and he called upon the House narrowly to watch its progress. He for one would attend to that warning. It was some consolation to him, and those who thought with him, that when the bill passed through that House, it could not become the law of the land—it must go to another place, where the suggestions from that side of the House would meet with some respect, and where those suggestions would be embodied in the bill. That those alterations would be made he had no doubt, and he had as little doubt that they would be unacceptable to the hon. Gentlemen opposite, and that if they were made, it would, as before, be rejected. His firm conviction was, that the bill would greatly tend to the advancement of Popery, though he did not charge that intention upon all those who supported it. He would have been better pleased with the former proposition, which had emanated from this side of the House. He thought that the total abolition of corporations would have been greatly for the benefit of the country.

The House in Committee.

On the question that clause 6 stand part of the bill.

Mr. *Shaw* rose to move the first amendment of which he had given notice. He observed that the subject then before the Committee had been so often discussed and the arguments which bore upon it had been so often repeated, that he should not then trouble the House at any length. As he had given notice of his amendments, every hon. Member must have had an opportunity of knowing their scope and effect. He proposed to take each amendment separately, shortly stating the grounds upon which he brought them forward, and reserving any further observations that he might wish to offer till he found himself called on to answer objections to the amendments that he intended to propose. The first clause to which he wished to offer an amendment was that which had been introduced into the bill for the purpose of reserving the Parliamentary franchise to freemen. He had understood that the promoters of the measure had no intention of disturbing the present state of the Parliamentary franchise, and therefore, it was presumed that they purposed to leave the law relating to franchise untouched by the present bill. The noble Lord opposite he was sure, would agree with him when he said that the bill then in Committee related solely to municipal corporations, and that no part of it was framed with the view of altering the Irish Reform Act. Assuming that the fact was so, he took for granted that her Majesty's Government could have no intention of effecting a change of such a nature by a side wind when they disclaimed any intention of directly accomplishing such an object. The amendments which he proposed would leave the law as it now stood. He would permit the franchise to remain as it was according to law, and as it had been ever since the passing of the Irish Reform Act. He proposed to omit clauses 7 and 8 altogether, and to make a considerable change in clause 6. Three or four alterations in the law were contemplated by the two former clauses which he altogether deprecated, and which he should use his best endeavours to resist. It would be recollected that in the year 1838 the bill passed from one House to the other, and especially that the clause then under consideration had frequently been sent backwards and forwards. In substance his amendment had been agreed to by both Houses, and agreed to, he might say, in the form in which he had now brought it forward. The right hon. and learned Member concluded by moving the following amendment to clause 6:—"To omit from the word 'that' to the end of the clause and insert the following words:—

"All persons now entitled to vote at the election of a member or members to serve in Parliament for any city, town, or borough, shall continue to enjoy such right as fully as if this act had not been passed, and that every person who, if this act had not been passed, would have had a right to be admitted a freeman or burgess, or to be placed on the roll of freemen or burgesses of any such borough as aforesaid, in order to be registered and to vote in the election of a member or members to serve in Parliament or might hereafter have been entitled to acquire in respect of birth, or marriage, or servitude, or of any statute then in force, as a freeman or burgess the right of voting in the election of a member or members to serve in Parliament for such borough, shall be entitled, if such borough be one of the boroughs named in the said schedule (A), or one of the boroughs to which a charter of incorporation shall have been granted, as hereinafter is mentioned, to be admitted a freeman or burgess, and placed on the roll of freemen of such borough, and to acquire and enjoy such right of voting as fully as if this Act had not been passed; and if such borough be one of the boroughs named in the said schedule (B), to which no such charter of incorporation as aforesaid shall have been granted, to acquire and enjoy, without having been admitted a freeman or burgess, such right of voting as fully as if this act had not been passed, and he had been admitted a freeman or burgess provided he shall be enrolled on the freeman's roll in any such city, town, or borough, according to the provisions hereinafter contained."

He also proposed to omit clauses 7 and 8, page 4, and clause 11, page 6.

Mr. *Pigot* was prepared to show that the amendment proposed was wholly unnecessary, even for the purposes which the right hon. Mover and his Friends had in view; but more than this he would contend that clause 6, as it now stood in the bill, protected every Parliamentary right. He challenged hon. Members on the other side to point out any individual case where the Parliamentary right was intended to be preserved, and which was not provided for by clause 6. Clauses 7 and 8 stood upon perfectly distinct grounds; but he now affirmed—and it would be for hon. Members on the other side to rebut the assertion if he were in error—that no case could be imagined which had not been provided for by the clause. It appeared to him that the wise and proper course would be at once to provide for all possible cases, and avoid the loose and ambigious phraseology of the amendment. The clause as it now stood in the bill was framed with the purpose of making provision for two classes—these who were already in possession of the franchise, and those who were not; the former class might be subdivided into those who had registered and those who had been admitted to their freedom, but whose names had not been placed upon the Parliamentary register. Now, he begged to call the attention of the Committee to the words of the clause:—

> "Be it enacted that nothing herein contained shall prejudice, confirm, effect, or alter, any right of voting of any such person now registered, or any right to be registered of any such person who shall have been admitted a freeman of any such borough at any time before this act shall come into operation in that borough."

Here the House would see that the rights of those not yet admitted were fully protected. First, it protected those who had rights at that time in existence, and secondly, it protected those who, if the act had not passed, would have had rights, and although he held, that there was no material difference between admission and enrollment, yet, even acknowledging such a distinction, he had made provision for that case also. He now invited and challenged hon. Members on the other side to point out a single case which the words of the clause did not meet. It gave rights to

> "Every person who shall then have, or who, if this act had not been passed thereafter, would have had a right by reason of birth, marriage, or service, or of any statute so in force, to be admitted a freeman of any such borough, or after his admission to the freedom of such borough, to be placed on the roll of freemen of such borough, and to acquire as such freeman the right of voting in the election of a Member or Members to serve in Parliament for such borough, shall be entitled to be admitted and enrolled, as a freeman of such borough, on the freemen's roll of such borough, according to the provisions hereinafter contained, and to acquire and enjoy, as such freeman of such borough, such right of voting as fully as if this act had not been passed."

He hoped that the House would see how much more expedient it was to adopt the clear plain language of the bill, than the ambiguous phraseology of the amendment. He was quite aware, that propositions of this kind were frequently prepared by parties not Members of that House, and it therefore did not surprise him to find that the amendment would bear a construction which its advocates probably never contemplated. The clause, as it stood, included every case of legal right, and what more could the right hon. and learned Recorder require? He trusted that, on consideration, the right hon. Gentleman would abandon his amendment, and adopt the clause which had been proposed, the construction of which he would challenge any man of plain understanding to mistake

Mr. *Shaw* said, that the speech of the hon. and learned Gentleman had satisfied him that the hon. and learned Gentleman had, as he had suspected, a particular object in this clause. He was persuaded, that the hon. and learned Gentleman meant to introduce some more stringent construction of the words of the clause than would be ordinarily given to them. If, however, he would give up the 7th and

8th clauses, and he really thought, that the 6th clause better expressed the meaning than the amendment which he had proposed, he would not contend any longer against it, as there was very little difference in the words of the two latter.

Mr. *Pigot* could assure the right hon. Gentleman, that he was at that moment perfectly unable to comprehend what connexion existed between the 7th and 8th and 6th clauses. With respect to the former two, they were most undoubtedly intended to produce a change, but there was not the slightest intention of framing the 6th clause with reference to them, or of giving to it any other construction than what the plain language of it would allow.

Mr. *O'Connell* said, that confusion always arose when persons jumbled up two or three considerations on a single topic. The committee were now on the 6th clause, and if there were any objection to the 7th and 8th clauses, let them be discussed when they came to them. His hon. and learned Friend, the Member for Cashel, had challenged the right hon. and learned Member for the University of Dublin to point out any persons who would lose any rights by passing this 6th clause. He not only, however, had pointed out no such person, but had admitted, that the 6th clause did not materially differ from his amendment, and that by itself he would not object to it. He hoped the House would not enter into a discussion on the 7th and 8th clauses until they had decided on the 6th, at present they were not in the bill, they were not sanctioned by the House.

Clause agreed to.

On the 7th Clause,

Mr. *Shaw* moved, that it be omitted from the bill. It provided, that no person should have a right to acquire as a freeman a right of voting in respect of birth or marriage, unless his right were originally derived from or through some person who in the case of birth was a freeman previously to the 31st of March, 1831, or in the case of marriage was the daughter of a person who was a freeman previously to that day, or from or through some person who since that time shall have become, or shall hereafter become, a freeman in respect of servitude. Such a proviso would, in his opinion, be a monstrous injustice to a large class of persons, and he therefore could not sanction its introduction into this bill.

Mr. *Pigot* said, that this clause was not without precedent, for he found in a bill which was introduced into the House on the 23rd of May, 1838, by the hon. and learned Member for Bandon, a similar clause respecting electors, with the exception of its applying only to cases of birth, and not of marriage, and it was from that clause he had framed the one now under discussion. The bill to which he had just alluded, was stated to be brought in by Sir W. Follett, Mr. E. Tennent, and Mr. Sergeant Jackson, so that he had good authority for adopting its phraseology. The only difference he had made was in extending it to cases of marriage as well as birth. He was perfectly ready, however, having stated what was the object of the clause, to concur in its modification for the purpose of securing any rights now in existence, provided it did not extend to the acquisition of any rights in respect of birth or marriage, through honorary freemen, since the year 1831.

Mr. Sergeant *Jackson* said, that the clause referred to by the hon. and learned Gentleman in the bill which he (Mr. Sergeant Jackson) had introduced, was for a very different object from that of the clause now before the House. His bill was for amending the law in respect of the registration of electors in Ireland—a most important subject—and he had inserted that clause because the Government for years had brought in bills professing the same object, but had not carried them out in a *bonâ fide* manner. He had seen clauses in bills which had been introduced by attorney-generals on the subject much more objectionable than his own, and those he had cut down, because he was anxious to do what was likely to conciliate all parties.

Mr. *O'Connell* said, what was sought for by this clause was to put the laws of the two countries on the same footing, and surely that was a most desirable object. Much had been said about the existence of rights, but he would put it to the right hon. and learned Recorder, whether there was anything in the English law like a right without a remedy? But was there any freeman of Dublin who had a legal remedy to enforce his right of franchise? What was now called a right amounted, in the city of Dublin, merely to a claim, which the aldermen and common council had an absolute power of rejecting at pleasure, and without assigning any reason. It would be a right without a remedy, and such a right was unknown to the law.

Mr. *Litton* could not assent to the proposition, that the present clause was merely a declaratory enactment. It would take away existing rights of voting, and therefore ought to be brought before the House in a separate bill, with due notice, and not to be introduced for the first time in a committee upon a bill for the reform of municipal corporations.

Viscount *Morpeth* said, it was not intended by the bill to affect existing rights, it was a distinct and definite abuse only which was meant to be dealt with. The franchise now in question was derived through the corporate body, and therefore formed a proper subject of legislation in a bill for the regulation of municipal corporations. A clause which existed in the Reform Bill for England was omitted in that which affected Ireland, and the present clause was introduced to place both countries in the same situation.

Sir *R. Peel* gave no opinion on the merits of the enactment proposed to be introduced by this clause, but he had much rather see it made the subject of a separate bill. If any improvement was more conspicuous than another in modern legislation, it was the practice of confining acts of Parliament to their proper objects, and of thus dispensing with the necessity of consolidating acts. It would be very inconvenient to have to look for the alterations in the system of representation not only in the Reform Act itself, and acts for the amendment of the Reform Act, but also in acts for totally distinct objects, such as the reform of municipal corporations. In his own acts for the consolidation of the criminal law, he had attended to these considerations, and he must say, that without reference to the merits of the present clause taken by itself, he was sorry to see an old and objectionable practice revived on this occasion.

The committee divided on the motion "That the Clause do stand part of the Bill:"—Ayes 100; Noes 53: Majority 47.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Anson, hon. Colonel
Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Brown, R. D.
Buller, E.
Busfeild, W.
Butler, hon. Colonel
Callaghan, D.
Clay, W.
Collier, J.
Corbally, M. E.
Cowper, hon. W. F.
Dalmeny, Lord
Divett, E.
Duke, Sir J.
Dundas, Sir R.
Evans, Sir De L.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir G.
Hastie, A.
Hawes, B.
Hector, C. J.
Hobhouse, T. B.
Howard, F. J.
Humphery, J.
Hutton, R.
Langdale, hon. C.
Lemon, Sir C.
Maule, F.
Melgund, Viscount
Morpeth, Viscount
Muntz, G. F.
Muskett, G. A.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, R. W. W.
Philips, G. R.
Pigot, D. R.
Redington, T. N.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, B.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Tavistock, Marq. of
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Villiers, hon. C.
Vivian, rt. hon. Sir R.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Wemyss, Captain
Westenra, hon. H. R.
Williams, W.
Williams, W. A.
Wood, Sir M.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.
Lynch, A. H.
Curry, Sergeant

List of the NOES.

Alsager, Captain
Archdall, M.
Baring, H. B.
Bentinck, Lord G.
Blair, J.
Blennerhasset, A.
Cole, Viscount
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Dunbar, G.
Eaton, R. J.
Ellis, J.
Gaskell, J. M.
Glynne, Sir S. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hinde, J. H.
Hurt, F.
Johnstone, H.
Jones, Captain
Kemble, H.
Knight, H. G.
Knox, hon. T.
Litton, E.
Mackenzie, T.
Maclean, D.
Maxwell, hon. S. R.
Meynell, Captain
Miles, P. W. S.
Norreys, Lord

Ossulston, Lord
Parker, R. T.
Peel, rt. hon. Sir R.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Powerscourt, Visct.
Praed, W. T.
Richards, R.
Sandon, Viscount
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Thomas, Colonel H.
Verner, Colonel
Wilbraham, hon. B.
Young, J.

TELLERS.

Shaw, right hon. F.
Jackson, Sergeant

On Clause 13 being proposed,

Mr. Sergeant *Jackson* had an amendment to propose on this clause, which was to strike it out altogether. His object was to render it optional with the different communities in Ireland to which the Bill had reference, to take or refuse corporations as they might think fit. The Bill now before the Committee divided the towns in Ireland into two classes. The first class, schedule A, consisted of eleven towns on which the acceptance of corporations was to be imperative, and the second, schedule B, of 37 with whom it was to be optional, and who were to state them, through the medium of a petition signed by a majority of the rate-payers, to her Majesty. His proposition was to render the acceptance of corporations optional with all. He could not conceive what objection there could be to this alteration, as, in cases where corporations were wished for, the parties could get them without difficulty by petition. An hon. Gentleman opposite had lately presented a petition from the town of Galway, in which the inhabitants prayed that they might not be encumbered by corporations. It had been alleged by those Members who did not approve of the petition, that the only reason why the inhabitants objected to a corporation was the objection to the boundaries proposed by the Bill—that they thought the intended municipal district too restricted in its extent. But that was not the case, as any one who read the petition would see. The inhabitants complained that they had no funds for municipal purposes, and that the law, as it stood at present, was quite sufficient for all their wants. Neither did the Galway people stand alone. The people of Clonmel had also petitioned, and their petition was signed by three-fourths of the rate-payers of the town. Belfast also, a town containing eighty thousand inhabitants, objected to the Bill, the petitioners stating that they were commercial people, and not at all anxious to be troubled with municipal affairs. The committee should recollect that these were all towns in schedule A. Why, in fact, should townspeople now ask for corporations, seeing that those bodies were all stripped of their most desirable functions. The police, the care of the harbours, in fact, every thing had been taken from them. It was urged that, as England had got reformed corporations, Ireland should have them also; and he felt that it was this argument which had induced many English Members to vote for the total abolition of corporations in Ireland. He believed the fact to be that, in a great many cases, the English people would be glad to get rid of their corporations, and that they had proved a scourge, instead of a benefit, in too many instances. He would, therefore, entreat hon. Members to consent to that which was just and reasonable, by giving an option to the towns of Ireland, and to recollect that there had been four petitions from Ireland against these new corporations, and not one in their favour.

Colonel *Perceval* seconded the amendment. He had consented to consider a measure of this kind last year, upon an understanding that it should be accompanied by a measure for securing the church of Ireland, and by a bill for providing for the poor of Ireland upon the principle of the English poor law. But to this bill, as now placed upon the table by the noble Lord, he could not give his assent. It inflicted, in many cases, manifest injustice upon the parties in Ireland with whom he acted and felt, more particularly upon the people of Sligo, who were now satisfied with the manner in which their town was governed under a local bill. The whole corporate property of that town did not exceed 100*l.* a-year. Such a trifling income would be totally inadequate to defray the expenses incident to a corporation. He should therefore suggest the propriety of exempting this town from the necessity of having a corporation, which would plunge the population into a train of expense, as well as of occasional excitement, which the inhabitants were most desirous to avoid.

Mr. *Lynch* said, if one or two towns in schedule A wished to decline having corporations, that was no reason why all the others in the same schedule should not have them conferred upon them by the act. The town of Galway, he assured the House, had only objected to having a corporate form of government imposed upon it with circumscribed boundary. If that objection were removed, the people of Galway would, he was convinced, gratefully accept a corporate form of government.

Colonel *Conolly* knew that many of the towns included in the schedule A were not fitted to receive corporations, and many were not able to support the expenses incident to the possession of corporate forms of government. It would be much more in accordance with the feelings of the inhabitants of these smaller towns to be permitted to subscribe their corporate funds to the maintenance of the poor under the Poor Law (Ireland) Bill.

Mr. *Pigot* observed, that the petition from Clonmel against the bill was got up through the means of a placard, which declared that a new corporation would entail on the town an expense first of 1,350*l.*, next of 750*l.* for watching and lighting, 500*l.* for county cess, 500*l.* for the repairs of the town, and 4,000*l.* for poor's rates! Notwithstanding this, there was a large meeting in favour of corporations, from which emanated a petition, signed by 1,450 persons, and which he had presented to that House. The hon. and learned Sergeant had called the attention of the House to a petition from Clonmel, which the hon. and learned Sergeant had characterised as a petition respectably and numerously signed. Now what were the facts? Out of a population of 19,000 souls, this numerously and respectably signed petition contained just 172 signatures. And out of these 172 persons who signed the petition several were non-resident and others were minors. One of them was the turnkey of the gaol, another was the assistant turnkey; another was a driver to a gentleman of some property near the town; another was porter at the hospital; and two others were minors, the sons of a highly respectable clergyman who kept a school. He thought the hon. and learned Sergeant had laid too much stress on this petition.

Mr. Sergeant *Jackson* said that the statement he had made was brought to his notice by Gentlemen on whom he placed full reliance. It was true that many humble persons had signed the petition, but it had also been signed by many highly respectable persons.

Lord *Stanley* still remained of opinion that it would be more for the advantage of Ireland—that it would tend more to the preservation of peace and good government, and to the promotion of harmony, as well as to the carrying out of the objects which the towns sought to obtain, if corporations throughout Ireland were generally and universally abolished. That opinion, which he had expressed years ago, had been strengthened by what he believed to be the diminished feeling of the people of Ireland on this subject. The question, however, had been decided against him in successive Parliaments, and he and his friends, under those circumstances, had acquiesced in the introduction of municipal corporations into Ireland, as proposed by the present bill. He was anxious now, both for his own part and on the part of those with whom he acted, to be understood as not withdrawing from what he had acceded to in former years; and he was bound to say that one of the concessions made by the side of the House at which he sat was, that there should be in this bill a schedule A, consisting of the principal towns of Ireland to which the principle of option should not apply. That being the case, he did not now feel himself to be a free agent, otherwise he certainly should prefer to see the corporations abolished. He felt as much precluded from opposing schedule A as from opposing the introduction of corporations altogether; and, under these circumstances, he should oppose, however reluctantly, the motion of his hon and learned Friend.

Mr. *O'Connell* was glad to hear corporations undervalued by hon. Gentlemen opposite. At one time it was said that any change in the corporations would destroy the Protestant religion of Ireland. These pillars, he was afraid, were now rotten, at all events they were thrown aside as of no value whatever. If the old corporations were of no value, he hoped the new corporations would be of a very different description.

The committee divided on the question that the clause stand: Ayes 109; Noes 30—Majority 79.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Bodkin, J. J.

Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Butler, hon. Colonel
Callaghan, D.
Clay, W.
Collier, J.
Craig, W. G.
Curry, Sergeant
Dashwood, G. H.
D'Eyncourt, rt. hn. C.
Duke, Sir J.
Dundas, Sir R.
Evans, G.
Ewart, W.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Godson, R.
Goulburn, rt. hon. H.
Grattan, J.
Greg, R. H.
Greig, D.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hobhouse, right hn. Sir J. C.
Hobhouse, T. B.
Howard, F. J.
Howard, Sir R.
Hume, J.
Hutton, R.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lynch, A. H.
Macaulay, right hon. T. B.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Muntz, G F.
Muskett, G. A.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Parker, J.
Parnell, right hon. Sir H.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Praed, W. T.
Redington, T. N.
Rickford, W.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, R. V.
Somers, J. P.
Somerville, Sir W.M.
Stanley, Lord
Stuart, W. V.
Stock, Dr.
Strutt, E.
Sutton, hn. J. H. T. M.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Warburton, H.
Wemyss, Captain
Westenra, hon. H. R.
Williams, W.
Williams, W. A.
Wood, C.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.
Stanley, hon. E. J.
Tufnell, H.

List of the Noes.

Arbuthnot, hon. H.
Blair, J.
Blennerhassett, A.
Cole, Lord
Conolly, E.
Dunbar, G.
Ellis, J.
Gaskell, J. M.
Glynne, Sir S. R.
Gore, O. J. R.
Halford, H.
Hinde, J. H.
Holmes, W.
Inglis, Sir R. H.
Jones, Captain
Kemble, H.
Knight, H. G.
Knox, hon. T.
Litton, E.
Maunsell, T. P.
Maxwell, hon. S. R.
Ossulston, Lord
Plumptre, J. P.
Polhill, F.
Round, J.
Shaw, rt. hon. F.
Thomas, Colonel H.
Verner, Colonel
Wilbraham, hon. B.
Young, J.

TELLERS.
Perceval, Colonel
Jackson, Sergeant

On Clause 23 being put,

Mr. Sergeant *Jackson* proposed that it be omitted, and the following substituted:—

"And be it enacted, that for the purposes of this Act, all places locally situate or included within the boundaries of any borough, or of any ward thereof, as defined under this Act, shall be deemed and taken to be a part or parts of such borough, or ward thereof respectively; and in those boroughs which are counties of themselves, shall be part of such county and of none other; and in every case in which the metes and bounds of any borough or county, under the provisions of this Act, shall not include any place or precinct which before the passing of this Act was part of such borough or county, such a place or precinct shall thenceforward be taken to be part of the county wherein such place or precinct is situated, or with which it has the longest common boundary. Provided nevertheless, that if any such place or precinct shall have been liable, before the passing of this Act, to contribute to any rate made for the purpose of satisfying any lawful debt to which the ratepayers of such borough or county were liable to contribute before the passing of this Act, and in case any difference shall arise concerning the proportion of such debt, which ought therefore to be paid and contributed in respect of such place or precinct, it shall be lawful for the Chief Justice of her Majesty's Court of Queen's Bench in Dublin, in the case of the county of Dublin, and the county of the city of Dublin, and in the case of any other county, for the senior justice of assize for the county of which such place or precinct shall thenceforward be taken to be part on his circuit, on the application of the council of such borough, or of the chairman of a public meeting of the ratepayers of such place or precinct, to appoint, by writing under his hand, a barrister, not having any interest in the question, to arbitrate between the parties, and by his award, under his hand and seal, to assess the proportion, if any, of such debt, which ought therefore to be paid and contributed in respect of such place or precinct, and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom, and in what proportion, and out of what fund, the same shall be paid; and such rate as aforesaid shall continue to be levied by warrant of the council of such borough, and paid by such place or precinct as if this Act had not passed, until such proportion shall have been fully paid and satisfied, to the treasurer of the borough, and no longer; provided, nevertheless, that every county gaol, house of correction, or lunatic asylum, or court of justice, which at the time of the passing of this Act is taken to be for any purpose within any county, shall still for all such purposes be taken to be within such county, anything herein contained to the contrary notwithstanding."

The hon. and learned Gentleman said, that by the bill of the noble Lord of last year, such parts as were cut off from the boroughs, the rural districts, counties in cities, and counties in towns referred to, would (unless this clause were passed) be altogether deprived of quarter sessions, and also excluded from the benefit of the aid of the magistracy. Such an arrangement would work great injury in the suburbs of many cities in Ireland, such as Cork, Limerick, and Waterford. The effect in the neighbourhood of Cork would deprive seventy square miles, with a great population, of the advantage of quarter sessions and justices of the peace.

Mr. *Pigot* said, that the observations of his learned Friend were very well worthy of attention, and if the clause were passed as it stood, he would take care to have the jurisdiction extended and settled in a subsequent clause.

Clause agreed to.

On Clause 32 being proposed, which provides for the amount of qualification,

Mr. *Shaw* rose to move the amendments of which he had given notice. He said, that as to the amount of qualification for the towns now to be incorporated, and which was 10*l*., to be regulated according to the suggestion made at his side of the House, he had no objection to offer. But in the corporations to be hereafter formed, it was proposed to make the qualification 8*l*. He was opposed to this dissimilarity, and should propose, that the amount in both cases should be the same. As it was intended to fix the qualification after three years, according to the English standard, he should object to any such prospective legislation, and move that the 10*l*. qualification be, as far as this bill was concerned, permanent. The way in which he meant to carry these views into effect was, by moving the omission of part of clause 32, and striking out clauses 33 and 34.

Viscount *Morpeth:* This proposal would double the period of occupation, and diminish by one half the exemption from payment of rates which were proposed. Now, after the large concessions already made to the opposite side, he did not think that the Government could be called on, in common fairness, to introduce this additional restriction and curtailment.

Mr. *O'Connell:* His objection to this amendment was, that it made the qualification higher than that of England. He thought it should be exactly the same. He stood on that position, and maintained that if it were not conceded, it was absurd to talk of dealing with this measure in a conciliatory spirit.

Mr. *S. O'Brien* observed, that no man pretending to the character of a statesman could insist on treating the two countries differently with regard to municipal corporations.

Lord *Stanley* thought it exceedingly objectionable to lay down any rule for the practical working of a measure three years hence, when they could know nothing of the circumstances of the period. Though they fixed the qualification at 10*l*., it was dealing with Ireland in the spirit of the English Municipal Bill, and fixing the amount of qualification at exactly the same standard as that of Scotland. He thought it would be better not to mix the two questions raised by the proposed amendment, but to take them separately on each of the clauses out of which they arose.

Mr. Sergeant *Currie* contended, that the increase in the grand jury cess which by the enactment of the new poor-law was to be deducted from the valuation of houses, tended to lower that valuation, and that it would be unfair, therefore, to fix so high a standard of qualification as that proposed.

Mr. *Shaw* maintained, that the legal value was what the house would fetch between landlord and tenant.

Mr. *O'Connell:* Such were the questions of litigation to which they were about to expose the Irish, by depriving them of the English law! The noble Lord (Stanley) contended at one time, that the English Municipal Bill could not be extended to Ireland, because the same machinery of rating did not exist in the two countries. He admitted that was a fair objection. But the noble Lord would strike out the present clause, which conferred on the Irish the benefit of the English law, when they should have qualified according to his view, and thought it desirable that the question of municipal corporations should be again opened three years hence.

The House divided on the original

clause :—Ayes 130, Noes 85 :—Majority 45.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Berkeley, hon. H.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Busfeild, W.
Callaghan, D.
Clay, W.
Clive, E. B.
Collier, J.
Collins, W.
Corbally, M. E.
Curry, Sergeant
Dashwood, G. H.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Duke, Sir J.
Dundas, hon. J. C.
Dundas, Sir R.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, G.
Evans, W.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Grattan, J.
Greg, R. H.
Guest, Sir J.
Harland, W. C.
Hastie, A.
Hayter, W. G.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Holland, R.
Howard, F. J.
Howard, Sir R.
Hume, J.
Hurst, R. H.
Hutchins, E. J.
Hutton, R.
Labouchere, rt. hon. H.
Lambton, H.
Langdale, hon. C.
Lemon, Sir C.
Lynch, A. H.
Macaulay, rt. hn. T. B.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Ord, W.
Paget, Lord A.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Price, Sir R.
Ramsbottom, J.
Redington, T. N.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Style, Sir C.
Surrey, Earl of
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Vigors, N. A.
Vivian, rt. hon. Sir R.
Wakley, T.
Wall, C. B.
Warburton, H.
Wemyss, Captain
Westenra, hon. H. R.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, Sir M.
Wood, B.

TELLERS.
O'Ferrall, R. M.
Wyse, T.

List of the NOES.

Bailey, J.
Baillie, Colonel
Baring, H. B.
Bentinck, Lord G.
Blakemore, R.
Blennerhassett, A.
Broadly, H.
Broadwood, H.
Bruges, W. H. L.
Buck, L. W.
Cholmondeley, hn. H.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Cole, Lord
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Douglas, Sir C. E.
Dunbar, G.
Du Pre, G.
Eaton, R. J.
Ellis, J.
Estcourt, T.
Filmer, Sir E.
Foley, E. T.
Fremantle, Sir T.
Gaskell, J. M.
Godson, R.
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Hotham, Lord
Inglis, Sir R. H.
James, Sir W. C.
Jones, Captain
Kemble, H.
Knox, hon. T.
Law, hon. C. E.
Litton, E.
Lockhart, A. M.
Lygon, hon. General
Mackenzie, T.
Maclean, D.
Maunsell, T. P.
Maxwell, hon. S. R.
Meynell, Captain
Miles, P. W. S.
Norreys, Sir D. J.
Peel, rt. hon. Sir R.
Peel, J.
Perceval, Colonel
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Powerscourt, Visct.
Praed, W. T.
Pringle, A.
Rickford, W.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, Lord
Sutton, hn. J. H. T. M.
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Alderman
Tollemache, F. J.
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Wilbraham, hon. B.
Young, J.

TELLERS.
Shaw, rt. hon. F.
Jackson, Serjeant

On the 66th clause (burgesses to vote for the councillors of the ward in which their property is situate) being put,

Mr. Sergeant *Jackson* moved, that the following proviso be added to this clause:—

"That every person entitled to vote in the election of aldermen and town councillors in any borough, shall vote only for one half the number of the aldermen and town councillors to be elected for the ward or borough in respect of which such person shall be entitled to vote."

Lord *John Russell* said, that he should be sorry to agree to any principle which should have the effect of drawing a line between Roman Catholics and Protestants.

The committee divided on the question that the proviso be added:—Ayes 35; Noes 102:—Majority 67.

List of the AYES.

Archdall, M.
Blackburne, I.
Blackstone, W. S.
Blennerhassett, A.
Broadwood, H.
Chute, W. L. W.
Cole, Viscount
Corry, hon. H.
Du Pre, G.
Eaton, R. J.
Farnham, E. B.
Filmer, Sir E.
Greene, T.
Halford, H.
Hamilton, Lord C.
Hodgson, F.
Hope, G. W.
Jones, Captain
Litton, E.
Maunsell, T. P.
Maxwell, hon. S. R.
Meynell, Captain
Miles, P. W. S.
Packe, C. W.
Parker, R. T.
Plumptre, J. P.
Pringle, A.
Rushout, G.
Sandon, Viscount
Shaw, rt. hon. F.
Sibthorp, Colonel
Thomas, Colonel H.
Tollemache, hon. F. J.
Verner, Colonel
Waddington, H. S.

TELLERS.

Jackson, Serjeant
Perceval Colonel

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Brotherton, J.
Bruges, W. H. L.
Callaghan, D.
Clay, W.
Corbally, M. E.
Curry, Serjeant
D'Eyncourt, rt hn. C.
Dundas, hon. J. C.
Dundas, Sir R.
Erle, W.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fitzpatrick, J. W.
Fleetwood, Sir P.
Gisborne, T.
Gordon, R.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J. C.
Hobhouse, T. B
Howard, F. J.
Hume, J
Hutton, R.
Jervis, S.
Labouchere, rt. hon. H.
Langdale, hon. C.
Lushington, C.
Lynch, A. H.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Oswald, J.
Parker, J.
Philips, M.
Pigot, D. R.
Ponsonby, hn. C. F. A. C
Price, Sir R.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hon. A.
Salway, Colonel
Sanford, E. A.
Sheil rt. hn. R. L.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stock, Dr.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Style, Sir C.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Wilbraham, G.
Williams, W.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.

Stanley, hon. E. J.
Tufnell, H.

Remaining clauses agreed to.

House resumed.

Committee to sit again.

HOUSE OF LORDS,

Tuesday, February 25, 1840.

MINUTES.] Petitions presented. By Lord Kenyon, from two places, against any further Grant to Maynooth College.—By the Earl of Haddington, from a place in Midlothian, for Church Extension, and against the Intrusion of Ministers into Parishes.

THE BERGARA CONVENTION.] The Marquess of *Londonderry* could assure their Lordships, that with great difficulty and much embarrassment he rose to address the House on a subject which, he was free to confess, did not attract the same interest, and invite the same attention, as it had done on previous occasions. He felt that the subject was not of an interesting or a pleasing nature, and this reflection was one of the causes of the embarrassment by which he was oppressed; but, in addition to this, he laboured under another and still greater difficulty. On the present occasion he was deprived of the presence of the noble Duke (Wellington), who was the best acquainted with the foreign policy of this country, and with the affairs of Europe, of all the men in the kingdom, not excepting the noble Viscount at the head of her Majesty's Government, and the noble Lord the Secretary for Foreign Affairs. But yet he was ready to do those noble Lords the justice to acknowledge that they concurred with him in deeply regretting that the illustrious Duke was not in his place, and that they had not now the assistance of his wisdom and discretion, of which their Lordships had so many times experienced the value in discussing the foreign affairs of England. He trusted that amongst their Lordships there was only one prayer, that the illustrious Duke would soon again be amongst them. He confessed that, after all the discussion which had taken place in the course of the present Session, it required some degree of nerve on his part again to address himself to the subject of our relations with Spain, and to our general foreign policy. He felt the greater embarrassment because little interest was excited by such subjects. From what he saw going on in another place, it appeared that the great interest of the country at present was the question of the privileges of the House of Commons, and on the propriety or impropriety of sending Mr. Howard, the attorney, to gaol. Their Lordships also were solely occupied by our domestic concerns, and had been entertained with interludes on the progress of Socialism. All these things showed that the attention of the country was centered on its own internal concerns, and the consequence was that the conduct of affairs abroad was hardly ever alluded to. Their time was taken up with inferior subjects, and their foreign policy was entirely disregarded. He did not, however—he could not—approve of this course, and could not be content with allowing foreign affairs to be of secondary importance, or with giving them only the second place in their attention. They demanded the most urgent consideration, and in this opinion he had with him the weight of the greatest authorities both in this House and in other quarters. He could not but remember that the noble Earl (Grey), the father of the Reform Bill, had stated that he considered the House could never be better employed than in discussing the foreign policy of the country. He likewise remembered that a noble and learned Lord (Brougham), whom he regretted not to see now in his place, because he always illustrated the debates by his eloquence, and elucidated them by his clearness—he remembered hearing that noble and learned Lord say, that the foreign policy of the Government ought continually to be before the country. The Lord Privy Seal likewise had, on a former occasion, stated his anxiety to have the foreign policy of the country discussed. More particularly had he expressed himself anxious to have a field day on the affairs of Spain, in order that he might have an opportunity of justifying the policy which had been pursued in that country. He was not unwilling to give that noble Lord the opportunity of advantageously displaying those abilities which he was one of the first to admit and to honour. Having stated the embarrassments under which he laboured, as incidental to the subject which he was about to bring forward, he begged to be permitted to say one word as regarded himself. Their Lordships might ask why he should take upon himself to bring this subject under their Lordships' notice? To that he would reply that in early life he had been intimately connected with that country—he, perhaps, was the first British officer who had served in Spain. He had accompanied Sir John Moore through the whole of his campaign; and up to the year 1813 or 1814 he had served in that country under his noble and illustrious Friend the Duke of Wellington. He had taken a very great interest in every thing connected with that country from that time; and latterly he had made a tour through that country, and he would say, that the kindness and attention which he had received, both from the Carlists and Christinos, had increased his interest in that most interesting country, and that most magnificent people. He deplored the course which her Majesty's Ministers had pursued in their foreign policy towards that country, and he attributed in a great measure, the misery which Spain had endured for the last six years to that policy. He was free to confess that during the last six months a great change had taken place in the character of the war with Spain. He was free to confess, also, that here had taken place a temporary suspension of that war which for the last six years had been carried on; but how had that suspension been accomplished? That army which, during six years, had sustained the attacks of the noble Viscount's Auxiliary Legion, assisted by the fleets of this country blockading the coast, and by the effective Pyrennean blockade on the other side—he would admit that that army no longer existed; but how had its annihilation been accomplished? Had it been broken up and destroyed in action—had the Duke of Victoria annihilated it by planting his victorious standard on the lines of the Carlists? However great the Duke of Victoria might be, he must say he was not great on the field of battle—he loved not turmoil—he loved a life of repose and quiet, and seemed to be one of those officers described by the noble Viscount the other night who had earned their distinction in other places than the field, and by other means than arduous service. He could not boast that by any great battle he had driven the defeated Carlist legions into the sea by the force of his arms, neither could he boast that by fair and just negotiation the measure of their destruction had been accomplished. They had now before them the transaction by which this event had been brought about, a transaction the most treasonable and treacherous that had ever been recorded. He confessed that in moving for those papers his great desire was to show that the British character, British officers, and the British Government had no share whatever in this transaction. All Europe had resounded with the treachery, and it would be very satisfactory if the noble Lord could give proof that England had no connection with so shameful a proceeding by documents laid before the House. He knew that it had been said in another place that England had no share in these transactions. That statement might be satisfactory to the Government: but unfortunately Ministers had a false idea that what was satisfactory to them was also satisfactory to the country at large. He thought that this was not the case. It was a singular circumstance that when, on a former evening, he had mentioned the treasons of Maroto, the noble Viscount and the noble Earl the Lord Privy Seal, both wished rather, in their tender sympathy, to commute these abominable treasons into a return to allegiance. If he believed that the noble Viscount could entertain such principles, badly as he already thought of his politics, he should think still worse of their dangerous consequences. He should take the liberty, with respect to this man's conduct, to refer to a publication which had been sent to him as an individual interested in the affairs of Spain, and to which he begged to call the attention of their Lordships; and, until better evidence was produced to the contrary by the noble Viscount and his colleagues, it would be found to bear out all the accusations on the subject which had been made against the Government, while the individual who had sent him the book staked his honour and veracity for every word in it. It was signed "M. G. Mitchell." In the course of this work he found in two places reference made to Lord J. Hay and Lord Palmerston, and their communications with Maroto, and not only after the date up to which he had moved for papers had communications been made under a flag of truce sent to Bilbao, but after the second communication had taken place, Maroto had issued a proclamation, bearing date the 28th day of July, to which he wished to call their Lordships attention, to show the treachery of the man. Even after these communications he used in his proclamation the following terms:—

> "The King and our holy religion are the sacred objects confided to our defence. If our enemies attempt to disseminate disunion and discord amongst us, let us prove by the loyalty of our conduct that their intrigues can never succeed. Base and vile factions find no response in the hearts of Royalists, armed for the most sacred cause."

In another proclamation, dated August 29, 1838, he adopted similar language. It was this:—

> "The God of armies will protect the cause of the best of kings. A sacred obligation imposes upon us the duty to conquer or die."

And again in July, 1839, he published the following words in a proclamation:—

> "In vain do inhuman intriguants spread reports of negotiations. There never can exist any between two parties whose principles are so entirely opposed. Let our constant device be—The king and our religion. We must triumph or die—les armes a la main."

This was the conduct of a man who was at the very time in actual communication with Lord John Hay and the British Government, as well as with Colonel Wylde and the military authorities on the spot. His conduct was also distinctly set forth in the publication to which he had referred. It said, having mentioned this last proclamation:—

> Au moment meme ou il publiait cette proclamation, il ecrivait a Lord John Hay, lui promettant de lui livrer D. Carlos et les provinces dans un delai de 15 Jours."

This showed that a communication at the same time was passing between this traitor and some of the parties whose conduct was sanctioned by the English Government. The conduct of Maroto was set forth in another passage. It was this:—

> "A son arrivee en Biscaye, Maroto marcha resolument vers le but qu'il s'etait propose

depuis long-temps, de livrer D. Carlos et son armee aux Christinos. Sa correspondence avec Espartero recut un surcroit d'activite, et ses demande, furent exorbitantes: les reponses d'Espartero, d'abord evasives, devinrent moins satisfaisantes des que par la prise de Ramales et au tres points il se fut avance en Biscaye. Maroto effraye s'adressa a Lord John Hay, pour le prier de lui obtnir des promesses positives d'Espartero, et s'il etait possible la garantie de l'Angleterre. Lord John Hay y consentit, et s'etant entendu avec Espartero il expedia un officier porteur de depeches a Lord Palmerston. Ce Ministre fuit-si enchante des propositions faites par Maroto pour trahir son maitre, que dans sa joie il oublia sa circonspection accoutumee, et fit part de ses esperances; son confident fut probablement indiscret, puisqu'un ami de D. Carlos recut la lettre suivante."

After all this, what could be said in favor of such a man? "Maroto's name," would pass to posterity as a landmark of baseness and infamy. Like a Tartuffe for hypocrisy, and Don Quixote for Chivalric folly, he would be followed by the hatred of his victims and the scorn of honest men of every country. Incapable of remorse for having betrayed his king, he might regret his having done it at so inhuman a price. He has received the Grand Cross of Isabel, the mark only of his hideous treason. Hardened in crime as he was, the loyal Castilians would turn blushingly away from him. Maroto had betrayed Don Carlos—the same fate might await Isabella. On these grounds he thought that they should prove to Europe, that the British Government had been no party in those transactions. He also thought it necessary to have it stated whether such a man as Maroto had been countenanced by the noble Lord. If Maroto had betrayed Don Carlos, might he not also prove a traitor to the cause of the Queen? That individual, however, had been decorated with orders as the reward of his treachery. Was it possible that the Spanish Government could have thus encouraged him if its conduct were regulated by the common principles which regulated that of other Governments? He supposed from the honours already bestowed on Maroto, that if he had come over to this country, the noble Viscount opposite would invite him to dinner—or he might possibly have introduced him to Court with Mr. Owen. He trusted, however, that such would not be the case. He hoped that the conduct of this man would be denounced by the Government, and that he would not be held up as an example—that this country, at any rate, would show that treachery was not the road to eminent glory, or the means by which honours and wealth were to be procured. He hoped that the fair fame and spotless reputation of England would, at any rate, not be sullied by any connection with such transactions as he had described, or by any sympathy with, or support of, such a man as every honest heart must detest. He hoped—and he expressed that hope with the strongest assurance and belief in its fulfilment—that the noble Viscount would never uphold such a man as the traitor Maroto. He would now allude to that portion of her Majesty's speech which expressed the satisfaction of her Majesty with the present state of affairs in Spain. The words of the speech were as follow:—

> "I rejoice that the civil war which had so long disturbed and desolated the northern provinces of Spain, has been brought to an end, by an arrangement satisfactory to the Spanish Government, and to the people of those provinces."

How far the arrangement was satisfactory to her Majesty's Government, he did not know, but for his own part, he could not see how an arrangement concluded as the one in question had been, could be called satisfactory. With respect to the Basque provinces being satisfied with it, they all knew that those provinces would not be content unless they obtained their privileges. The object of the Queen's Government had been throughout to do away with the privileges in question. Maroto had merely held out a promise that he would do his utmost to obtain their ratification, but he had given nothing in the shape of a guarantee on which the people of these provinces could rely. The acts of the Spanish Ministers, too, were in direct opposition to the promises which they had given. Their sole object was to get the fortress of Guevera, which was then under the Basques, and to accomplish this object, they cared not what means they adopted—what promises were given—what false expectations were held out. A complete state of dissatisfaction existed in those provinces, and, such being the state of that part of the country, could the noble Lord say that that free and bold people were satisfied with the manner in which the warfare had temporarily ceased? It might be true that those provinces were not at the present moment in arms, and that they had been reduced to a comparative state of repose; but he was afraid, if such were the case, it was the only lull which was the sure forerunner of a still more tremendous, more tempestuous storm. These provinces were anything but settled, and if their Lordships would look into some authorities on the point, they would find such to be the fact. Even the account given by the King of the French was less consolatory and more true than that given by her Majesty in her speech. Louis Philippe's speech from the throne at the opening of the Chambers on the 23d of December was much more specific on the affairs of Spain than that of her Majesty to which he had alluded. The following were his words:—

> " A great change has been effected in the situation of Spain, and if I have to regret not being able to announce to you that the civil war which has so long desolated this kingdom, is entirely at an end, still this war has lost its character of gravity, which would give rise to alarming apprehensions for the stability of the constitutional throne of Isabella the Second. The greatest part of the northern provinces is pacified"—(not as stated by her Majesty, " the war has been brought to an end")—" and we are allowed to hope that those of the south will not be long behind-hand.
>
> " This important result is owing to the wise conduct of the Government of the Queen Regent, and to the persevering valour of the Spanish army, supported by the assistance which my Government has given them, and that of her Britannic Majesty, by the faithful execution of the treaties of 1834."

It was only, then, it would be seen, stated by the King of France that the Basques were momentarily pacified, and that that had been accomplished by the united exertions of France and England. But such even was not the fact. The army of Don Carlos had successfully resisted the united armies of the two countries, and it was at last annihilated by treason. Her Majesty's Government had not stated that the success of the Christinos had arisen from their intervention, and from that of France. They did not like to do that. They did not dare to adopt the course which was pursued by the French King, and boldly state the success of British arms in Spain. They knew full well that it would be condemnatory of their own policy. They knew that the system of attacks which had been adopted by their own men—their own pet Legion—had failed with disgrace. They knew that, almost for the first time on that ground, English troops had been beaten and driven back, and they dared not, therefore, to state the military efforts and success of these men, because they knew that at the same time they would only be giving increased publication to their own disgrace. And now he would boldly ask, how had the annihilation of the Carlist army been accomplished? By treason—by treason alone. But for that treachery which he had that evening narrated, the same civil war would be still raging with its wonted fury and destruction. And despite the treachery which had been used against them, despite the foul means which had been adopted to gain an undeserved and ignoble victory, General Garcia had himself stated that the Carlist army was even now more strong in numbers, better disciplined, better provided with all the great necessities of warfare, better able to resist their enemies, than at any previous time. On the whole affairs of Spain he stated with regret that the policy of her Majesty's Administration had been most unfortunate. The most dire consequences had arisen from it, and an end to the miseries which it produced had not yet come. What was the loss which this country had sustained by this mistaken intervention? What was the loss of money? What, even by consequence, was the loss of life? He would first turn the attention of their Lordships to the former. The following was a list of the

" EXPENSES OF THE WAR IN SPAIN TO ENGLAND FROM 1834, TO JULY 1838.

Hire of the Prince Regent and Parmelia transports, for bringing home the men of the British Auxiliary Legion . . .	£1,281	7	9
Naval stores, provisions, medical charges, &c., to Spanish Government	3,139	19	3
Medical stores to Spanish Government	572	2	6
Arms to Spanish Government .	487,060	0	0
„ Auxiliary Legion . .	68,200	0	0
„ Artillery under Lord John Hay	971	0	0
Extra pay to officers and men of the Ordnance Corps . .	1,000	0	0
Stores to Spanish vessels of war, refitted and repaired in our ports	3,798	14	1

"FROM JULY 1838, TO JUNE 1839.

Supplies for service of the Spanish Government . . .	1,905	0	0
Extra charges of our navy . .	37,302	4	0
Arms, &c., to Spanish Government	6,769	0	0
„ British Auxiliary Legion	1,678	0	0
Intrenching tools, &c., to Royal Sappers and Miners . . .	192	0	0
Extra charge caused by Artillery, Engineers, Sappers, and Miners	530	0	0
Medical and surgical materials	238	3	0
Payments and civil contingencies made to Colonels Wylde and Lacy	2,001	8	0
Total . .	£616,638	17	7

That was the immense outlay of money which had been expended by this course of policy. And now for the loss of life. The following was an account of the number of men sent out, the number of those who never returned, and the cause of their deaths:—British loss—Of 15 or 16,000 men sent out to Spain, 8,000 died by casualties, 1,000 by typhus fever, 50 officers died, 1,700 buried in one churchyard. Now, then, according to these accounts, what had been the effect produced on Great Britain by the policy of the present Government with respect to Spain? According to the returns which he had moved for in the last session, the total amount of expenditure for six years during the war in Spain was 616,000*l.*, say 700,000*l.* in round numbers; and if they added the amount due to the officers and men, with whose case he had troubled their Lordships last night, the sum of 280,000*l.* must be added, bringing the total expenditure to near one million. Let the people of England, know this—let them know that one million had been charged upon them by this fatal intervention. It would be difficult for the Government to prove that Spain was in any better condition than when they first entered on the principle of intervention. If they told him that the war had subsided he would ask them why they did not call home the ships which were now blockading the whole line of the Spanish coast? They could find, he would tell them, far more useful occupation for their ships elsewhere. They would not have been, in his opinion, unemployed if they had been sent to protect our interests at China, and to prevent the total destruction of our trade. He had himself seen one of the finest ships in the British navy, the Tribune, driven ashore in the Bay of Taragona. Such conduct was not conducive either to the interests of the nation or the honour of the Government. It was stated also that the southern provinces were in a state of probable tranquillity. Now, he had lately returned from visiting some of the principal cities in the southern parts of Spain, and he would tell their Lordships what was the state of Morella. It was naturally so strong a place that, with its adjuncts, it would be able to resist almost any enemy during a lengthened siege. It was built on a high rock, something like Gibraltar, and at its bottom a river wound its way round it. And what was the state of the country generally? What were the feelings of the inhabitants? In Catalonia, Arragon, and other provinces the people were as favourable to the Carlists as to the Christinos. What was there, then, to place those portions of the country in anything like a state of tranquillity? He would put as much confidence in one general as another, and by one it was distinctly asserted that the great body of Spain was opposed to the so-called Liberal Government and their "liberal" institutions. The Government of Spain was so impotent that under their Liberal constitution and with their Liberal institutions they had no authority, no power, and were not even able to raise the imposts and taxes. The country throughout was consequently in a state of the greatest confusion. At Madrid, he admitted, the Government went on, but even there party spirit ran to desperate extremes, and the great council of the empire was divided into two great parties—the Exaltados and the Moderados. These were at open war, and acted in defiance of each other, and their violence was not satisfied with deliberation or the making of speeches. This was the condition of the first assembly of the nation—the Chambers. The social happiness of the country was overturned, and its renewal was not in the power of the Government to accomplish. He begged to be allowed to say one word on a subject concerning which the noble Earl had been very severe upon him last night. It was said that he attributed the purchase of assignats to the Spanish agents. Now, he did not exactly do this. He only stated, that he had heard they had been distributed amongst the Jews; and he would now repeat that a report existed that such was the case. He did not charge the Spanish Government with dishonesty. He was sorry to occupy their Lordships time, but he had been accused of charging the Spanish Government with dishonesty, which he really did not do, but, at the same time, he begged leave to say, that many suspicions were afloat not very creditable to the Government, and that many persons already impugned their honesty. And, with regard to this subject, he would relate an anecdote respecting the feelings of the Spanish people themselves on this subject. In the course of his travels in that country, he had made an acquaintance, by accident, with a Spanish gentleman, and in the course of conversation he had asked him what, in his opinion, would be the end of the present state of differences which existed in the country? The answer which he received was this:—"If we could only get six honest Ministers to govern Spain, they might soon set things to right. Now if the Spaniards themselves thought thus of the matter, it was not to be wondered at that such suspicions should be afloat in this country, which had suffered so severely from the late transactions. All he could say was, that matters ought not to be managed in such a manner as to give ground for such serious suspicions. He was sorry to be held up by the noble Earl (Clarendon) as having made unjust statements, and that was the reason for his so long detaining their Lordships on that subject. He would now refer to the speech of the noble Earl—a very able and eloquent speech doubtless it was, and it had produced a very great effect. He had a right to refer to it merely as a matter of history, and he should avail himself of that right, though he did not exactly agree with the noble Earl, who wished that his speech should be the only document on which any one should give their opinion. In that speech the noble Earl said, "that he found a great desire on the part of the Queen's Government to carry his recommendations into effect. They exhibited every wish in Catalonia, Arragon, and other provinces, to carry the convention into effect." But this was not until Cabrera had evinced his determination to make reprisals. The noble Earl painted the matter in the best colours, and omitted the most distressing part, like Mendizabal advertising for a new loan. He continued in his speech also to say, that "life and roperty were more secure, and the revenue more flourishing." Now, this was not the fact. The revenue was one-half less than it had been. The Crown lands were formerly in the hands of the monks, but the Government took possession of them, and the agriculture had in consequence been less productive. He, when in Spain, had entered several nunneries, and found that a grievous state of misery existed. The country, on the whole was in a most deplorable condition. There was no prospect of a cessation of the warfare, and the finance of the nation was most embarrassed. Under these circumstances, would the noble Viscount tell him what principle he was prepared to adopt—what course he was ready to pursue? How did he intend to rescue this country from the disgrace into which it had been brought? Did he intend to carry intervention—their boasted policy—to any extent which that ruined country might demand? What limits did he fix to the pursuit of such policy? In his opinion, that time had already come. The limits ought to be at the present moment, clearly, distinctly, and definitively fixed. Don Carlos was in France. The pretended usurper had been driven from his country—had been banished from the land of his fathers—and would they not now stop? What right had they to carry on their system of intervention now? They had stated in the Queen's speech that the war was at an end—that peace was established—and why did they any longer "intervene?" Surely, they were not afraid of Don Carlos again raising his standard of revolt—of again claiming the rights which more than half of the Spanish people acknowledged. The policy which they had pursued had been most fatal. A million of money had been expended, thousands of lives had been lost, and what was the only result? The provinces of the country, north and south, discontented and unhappy, and still the seat of a war whose flames, subdued for the moment, would again burst out with increased fury, and the capital itself be torn by political strife and the contests of the two great parties — the Exaltados and Moderados. The noble Earl next spoke of the gratitude of the Spanish Government. He should like to see how that gratitude had been shown. He would ask the noble Earl whether he had been able to accomplish a commercial treaty with Spain? Why had he failed to do so? What was the cause? It was this. The great body of the people of Catalonia, who, by the bye, were liberals, were also great manufacturers, and they prevented the conclusion of a treaty with this country. Catalonia was inundated with French goods, but English goods were only carried in by smugglers, who were now about one hundred thousand in number. This, too, was a reason why the noble Earl had failed to conclude a commercial treaty. What had the noble Earl been able to do with reference to the slave trade? We certainly had not given half a million of money to Spain as we did to Portugal; but at Cuba the slave trade was carried on to a very great extent. He would give the noble Earl the information which he possessed on the subject. He saw, in the American courts of Admiralty, a case which showed that the Spanish minister claimed certain slaves, and declared "that it was the duty of the Government of the United States to surrender these men." He would again say, that the noble Earl had not been able to accomplish, in any respect, the abolition of the slave trade by Spain, or anything like it. He trusted the noble Earl would show the House what Spain had done for England, after we had been fighting for six years for the Christino Government, and expended a great deal of money for the same object. Then, in the last part of his speech, the noble Earl said, that the world sympathised with the liberal institutions which had been established in Spain. The noble Earl had lived a long time in Spain, and it was with some reluctance that he would presume to set up his experience in opposition to that of the noble Earl. The noble Earl's residence had chiefly been confined to Madrid, but if the noble Earl had travelled through all the great cities of Spain, he would see that the prevailing feeling was in favour of the old-established institutions of the country, and that they would have to live a very long time before they saw that feeling subside. These were his opinions. He felt that he stood nearly alone in that House, but it was some consolation for him to know, that though he might be unsupported there, he had received the approbation of a distinguished friend, who declared that he was right in the course which he was now pursuing—

"Victrix causa diis placuit sed victa Catoni."

The noble Marquess concluded by moving that an humble address be presented to her Majesty for copies of any communication from the Foreign Office or the Admiralty, or the authorities on the coast of Spain, from the 1st of May to the present moment, relative to the Bergara convention, together with a copy of that convention.

The Earl of *Clarendon* was desirous of addressing a few words to their Lordships, in consequence of the observations which had fallen from the noble Marquess. He felt, indeed, that it was totally unnecessary, in reply to the speech of the noble Marquess, to touch upon the various topics which were so numerous as to form almost a budget, which would have been far better to have been opened to the Cortes, than have been delivered in their Lordship's House. He was anxious, however, to give a different version, another account of what had recently taken place in Spain, than the one advanced by the noble Marquess. He attached considerable importance to that different account, and to its proper consideration; not solely with reference to the interests of Spain herself, nor alone in consequence of the speech of the noble Marquess, but in consequence also of all that had been said and all that had been written upon the subject in this country. When he considered how the officers in her Majesty's service had been maligned in consequence of the supposed part which they had taken in the arrangements which had been made, and when he considered how, in consequence of the supposed part that her Majesty's Government had taken, they had been attacked, he rejoiced that the time had arrived when he could put their Lordships and the country in possession of the real facts of the case. The noble Marquess had alluded to a speech which he had made last year, and had passed upon it some serious comments; but he shrank from nothing which he had at that time asserted; events had more quickly than he had expected, more satisfactorily than he had hoped, proved the correctness of every assertion that he had then made. He should have said thus much long before, as that speech had been alluded to, and as he had been taunted for delivering it, if he had not felt certain that the noble Marquess would bring forward a distinct motion—he had thought, that it would not have been even thus long delayed, considering the prodigious ardour which the noble Marquess had displayed on the very first day of the session. The noble Marquess found that a copy of the convention of Bergara, a convention between two portions of a foreign people, could not be laid upon the table. In order to arrive at transactions with which her Majesty's Government had nothing to do, he would take the necessary proceeding of moving for all documents or communications which might contain any reference to the subject. He would not follow the noble Marquess through many of the points which he had mentioned — he would not follow him through the French book that he had quoted. He would leave unnoticed the supposed invitation to his table — the travels in Catalonia and Arragon — the commendations of his friend—and all that the noble Marquess did in the nunnery to which he obtained admission. As far as he could glean from the noble Marquess's complaints, it appeared that he considered the arrangement which had been come to neither honourable nor satisfactory, and he blamed her Majesty's Government for having permitted such an arrangement to be completed. In reference to these objections, he would, by permission of the House, refer to a few facts to show the nature of the arrangement, the manner in which it was viewed by the Spanish nation, and the course which had been adopted by her Majesty's Government. And here it might not be irrelevant to take the opportunity of observing that the Spanish government, having determined to make strenuous exertions to bring the war to a close in the early part of the last summer, confided to the hands of Espartero resources which he had never before had placed at his command. Thus was he enabled to act with vigour; he advanced against the enemies of his country—he took possession of some of the most important places—from those places he extended on all sides his operations, and he soon made himself master of nearly the whole of Biscay. The Carlists saw, by these successes, that they had nothing to hope for their cause, and many of the most eminent men in their party saw also that nothing more disastrous could happen to their country than the triumph of a prince who was most unfitted to reign in such a country That prince was now defeated, and in exile, and he would not, therefore, say all that at any time he should be able to prove; suffice it to say, that the best men who had followed the cause of the Carlists in Spain were convinced that the triumph of the prince was calculated to secure the misery of the country, and that with this certainty the war could no longer be carried on with advantage. This was the spirit in which those negotiations began, and which terminated in the convention of Bergara — those negotiations with the officers who were appointed for the exchange of prisoners, and who discussed among themselves the iniquity and the barbarity of longer postponing the termination of the war. The negotiations went on; they were conducted by the Carlist General Maroto, and he was encouraged in every communication that he made by almost the whole of the chiefs of his party. He had sufficient warning that he could neither delay nor put off the negotiations by the defection of the Biscayan troops, who were in mutiny because they thought that peace, peace on any terms, was in danger of being lost. No sooner had the convention been concluded, and the terms become known, than twenty-one Carlist battalions laid down their arms and joined the Queen's troops with the utmost cordiality. He begged pardon of the House for giving these details, but it was only by the details that the true facts could be known. The arms were piled outside the town; the troops marched into the town unarmed; they received their pay, they marched out again. They were ordered to resume their arms by Espartero, but there was not above forty Biscayans who would do so; the rest returned without arms to their own homes. Of the Castilians, a great part took to the service of the Queen, the remainder went home, but, in fact, the greater part of the arms were returned to the depot. They were brought in by the old men, and by the women, from the villages, to prevent the possibility of the peace, for which they yearned, being once more destroyed. Another remarkable circumstance showed most plainly the disposition of the people of those provinces. Espartero made a progress through them he was everywhere received with enthusiasm by the people. They made every demonstration of joy. He took opportunities of making addresses to the people, and in every place he had three cheers—one for the peace, another for the Queen, and the third for the constitution, which were all responded to with equal fervour. Such was the joy with which the peace was received—such was the enthusiasm—such the gratitude as well of the people as of the soldiers. Such facts required no comment; they demonstrated that the provinces were every way satisfied with the terms of the peace established by the Convention. It was not that Maroto betrayed the provinces to the Queen; there was no magic in his acts; he had no extraordinary power to perform his wishes; the troops were not led into any ambuscade; they were not betrayed by any stratagem into the hands of Espartero; there was nothing to prevent the soldiers from leaving their general; there was nothing to compel them to lay down their arms; whilst, as to the peasantry, Maroto had no power over them; he had exercised, and he had attempted to exercise, no more influence over the people than had the noble Marquess himself. It was manifest, then, that what Maroto did, he did only to give effect to an opinion and to a feeling which had been long known to exist. He had had ample evidence of the conviction of the Carlist chiefs; he had had full proof from the people, that the sacrifices necessary to carry on the war had become unbearable. He was glad that the noble Marquess had not attributed the arrangement to bribery; he was rejoiced that the noble Marquess did not entertain any such preposterous notion—particularly that the noble Marquess did not think that if there had been any the means had come from this country; but he had been that morning looking over some of the public journals of this country, and he had found that her Majesty's Government had been accused of bringing about the arrangement by paying 150,000*l.* from the secret service money. He was glad that the noble Marquess had not fallen into the views of those journals, for he was convinced that not one shilling had been so expended—he was satisfied that no such outlay was necessary—that it had never been even thought of—and that there had never been any transaction that had been more free from pecuniary or from sordid sacrifices. Not, however, that he would have in any manner blamed Maroto, if he had had the money, and had found the opportunity of using it, not only for the purpose of obtaining the inestimable blessings of peace, but also to give the arrears of pay to his men. Did the noble Marquess ever exclaim at the baseness of Marmont, when he surrendered the capital of his native country to the assembled forces of foreign and hostile powers, and gave the finishing stroke to the fortunes of his master and his benefactor? Was there equal discredit cast upon the inducements which were held out to Bourmont? Did the noble Marquess—did the world blame Bourmont, because he solicited and obtained from Napoleon at Waterloo a command which he deserted the following day? But he had higher authority still for these acts. Had the noble Marquess read the despatches of the noble Duke (Wellington), whose absence from that House he deplored as much and as deeply as any of their Lordships. If the noble Marquess had, he would have found that the noble Duke was urged to avail himself of the mutinous state and of that disposition to revolt which at one time existed among a large portion of the French army: and although the noble Duke with that prudence and with that foresight which were especially distinguishable among his many eminent qualities in the field, hesitated, with his information, to commit himself to the proceeding, yet he was most desirous of doing so. These were questions at issue when the nations were at war; it was a very different thing in a civil contest where countrymen were opposed to countrymen, and where many members of the same family were enlisted on different sides: then these sessions of feelings, then these arrangements could be in no sense viewed with any degree of moral turpitude; then no disgrace attached to what became a mere change of opinion; then many who would shrink from degrading themselves by becoming traitors with a foreign foe, would not hesitate to consent to an arrangement for the contentment of their common country. The noble Marquess might think that this country ought to interfere in such a case, and when one of the parties had expressed a desire for peace, that it should be goaded on to fight; but what would be the course of policy he would himself have pursued, the noble Marquess had failed to explain. He was glad, too, to rectify the mistakes which had been made with respect to the conduct of Lord John Hay and of her Majesty's Government. Her Majesty's Government were bound to the Queen of

Spain, as an old ally; by a regard to all those interests promoted by the restoration of the blessings of peace, after the long intestine struggle; they were bound by a regard to all those who had been so long exposed to the cruel privations of the war; and, last of all, they were bound to all those who, thank God, were the largest number in this country, who desired to ameliorate the sufferings which had been endured in Spain—to all those her Majesty's Government were responsible for tendering advice to both sides, if possible to put an end at once to a war which prevailed in its most revolting form. Instructions were therefore sent to Lord John Hay, to Colonel Wylde, and to her Majesty's representative at Madrid, to bring about if they could, by their good offices, an arrangement between the contending parties; and, speaking as an Englishman, he devoutly wished that this good deed had been the exclusive work of her Majesty's servants in Spain. The influence of Lord John Hay and of Colonel Wylde was called for on either side; to both their advice was freely given; but it had been rendered comparatively useless by the intense desire and by the immovable resolve of the people to terminate the war and to settle their own affairs. That termination had been effected in the most satisfactory way. The experience of history had taught them that no civil war had ever ended without making some compromises between the contending parties; and he asserted that no civil war ought to be terminated without a due regard to the interests, nay, even to the prejudices of some of those, whose contentions were to end, if the pacification were sincere, and if the arrangement were intended to be permanent. He knew of no instance were a victorious general, as Espartero unquestionably was, notwithstanding what the noble Marquess had said, occupying a vast territory, whose inhabitants were not actuated by good will towards the sovereign in whose name he possessed it, and knowing the mutinous state in which the people were, while he himself was in a condition to dictate any terms he pleased, he knew of no instance of a similar kind where more prudence and patriotism were exhibited than were displayed by Espartero, who, in the name of his sovereign and of the Cortes, guaranteed rank, honour, and emoluments to every individual who had borne arms against the Queen of Spain, with permission to remain in the service, or to return to his home; at the same time pledging to the people his honour to preserve to them all the privileges they had ever possessed, and of which every preceding sovereign in Spain had endeavoured to deprive them. The Queen and the Cortes were not slow in proving to the world that the general-in-chief had well understood and nobly acted upon that conciliatory spirit which he must say, whenever it had fair scope to display itself, invariably distinguished the constitutional government of Spain. The acts of Espartero received the approval of the Cortes, and they unanimously and spontaneously addressed the crown, promising to redeem the pledge which had been given by the commander-in-chief, while the rest of Spain echoed and re-echoed with enthusiastic acclamations at the accomplishment of an event so long and universally desired. It was only among a certain class of individuals, and with a certain portion of the daily press, that expressions of dissatisfaction were heard, or among and by whom this great measure of conciliation was denounced in terms of unmeasured condemnation; and when their Lordships considered that even in this Christian country, so pre-eminently distinguished above all others for its true spirit of religion and philanthropy, such denunciations were in equally strong terms uttered against the cessation of the shedding of blood, and the horrors of intestine discord and civil war, all feeling of surprise must cease, and the fact itself be only regarded as a fresh proof of the power which party spirit had to obscure the judgment and pervert the feelings of men; for to party spirit alone could be attributed the vituperation which had been poured forth against one of the noblest acts that had marked the career of a victorious general—to disappointment, and to the failure of a cause which seemed to have been adopted in this country, without any reference whatsoever to British objects, and in extreme ignorance of the true interests of Spain, could such a feeling of hostility alone be ascribed. To the same ignorance might be attributed the fallacy of attempting to maintain monopolies and exclusive privileges in co-existence with free and liberal institutions. Those, indeed, who thought that they might find in Spain, as elsewhere, a tyrannic power that would aid in preserving and maintaining abuses, might be justified in offering resistance to the exertions of a government that was based on a constitutional foundation; but such resistance in reality served only the cause of revolution, while popular institutions tended not only to secure, but to render safe the possession of liberty. No man who reflected could deny that this country had a great interest in the independence and prosperity of Spain. No man who reflected could fail to admit that that independence and prosperity would be greatly promoted, if not secured, by the abolition of the Salic law, and the establishment of liberal institutions in that country. It was, then, most anti-national and most un-English, that any party of men in this country should afford aid to the pretender to the throne of one of her Majesty's allies, and seek to make triumphant a cause, the success of which would not only be mischievous to us, but fatal to the welfare of Spain. And yet this was done at a time when there existed in this country a lamentable degree of religious conflict, and when the cry of "No Popery" was heard throughout the land. It was at this period that it was sought to establish in Spain Catholicism in its purest form, and when cries of lamentation were heard over the fall of the cause of civil despotism and religious enthralment. He knew not that he ought to further trouble their Lordships, but as he had alluded to the two systems which prevailed in Spain—the liberal and the despotic, he would just observe that an opportunity was afforded to any one of comparing the system of 1823 with that of 1839. The contrast between the two systems had been most strikingly exhibited within the last two months. He would ask the noble Marquess, with all the knowledge that he had formerly and lately acquired in Spain, and of all that was within his cognizance, what in his opinion would have been the conduct of Don Carlos if events had been reversed, and if the people had sworn allegiance to him and he had ascended the throne? Did the noble Marquess think that Don Carlos would have acted as the Queen of Spain had done—that he would have redeemed the pledges given in his name by his generals, and have considered the reign of war over and passed; or did the noble Marquess think that he would have imitated the example of his brother Ferdinand, who in 1823 broke every promise he gave, violated every pledge that had been given in his name by the Commander-in-chief of 100,000 foreigners who had come to subdue his enemies—proscribed, persecuted, and gibbeted some of the most leading men in the country, in defiance of the remonstrances, and to the indignant shame, of the Duc d'Angouleme, and established a system of religious persecution such as modern ages present no instance of, and which must have required an ingenuity to devise that might be well called infernal? But Don Carlos was even more despotic and bigoted than his brother. He was better acquainted with the disposition of his country, and for that reason he sometimes temporized with his brother's party, and refused occasionally to be the instrument of their system. For that reason he was denounced by them, and was engaged in all the conspiracies that were set on foot to oppose them; so that he could only look for support to the bigotry of the Inquisition, who gave him their adhesion under the supposition that he would have been upon the throne. Thus was Spain exasperated for a period of six years, and all the lamentations of Don Carlos's adherents had since been that they had not shed blood enough. They declared that all their misfortunes were owing to their not having shed blood enough during the ten years preceding the French intervention. The state of desolation into which Spain would now have been, had Don Carlos and this party been successful, would have brought the noble Marquess himself to shame, and he would have learned, when it was too late, the length to which despotism, united with bigotry, would have carried its destructive influence. On the other hand, he would ask the noble Marquess what had been the result of the establishment of the constitution and the Cortes? Could he deny that the conduct of the Cortes had been marked with good faith? Had any person connected with or espousing the cause of Don Carlos been persecuted for his conduct or opinions? The noble Marquesss had been in Spain during the last few months, he must, therefore, know that nothing of that description had taken place; but that, on the contrary, the fidelity with which every engagement of the government had been fulfilled, and the rapidity with which all rancour had subsided, had reflected infinite credit upon the Spanish character. Although he must admit a portion of the noble Marquess's statement to be correct, and that it was true that the war in Spain was not yet at an end, and that much time might elapse before that country which had been so long agitated by a question of life and death should subside in peace, yet notwithstanding this, he saw nothing in all those representations and opinions which the noble Marquess had made and expressed, and which he (Lord Clarendon) could only ascribe to most gross misrepresentations from others, arising either from ignorance or from a state of feeling not to be envied—he saw nothing, he would repeat, in all those representations to cause regret or disappointment at the measures taken towards a settlement of the internal dissensions that had so long afflicted that country. He had nothing more to say than that he was ready to produce the papers which the noble Marquess had moved for, and he trusted that at some time or other he should have an opportunity in that House to show to him how very little they bore out his own statement of affairs.

The Earl of *Aberdeen* said, it was never without some degree of reluctance that he took part in any discussion with respect to the affairs in Spain. Not that those affairs might not be well deserving of their Lordships' serious deliberation; at the same time, in his opinion, the conduct of both parties in the wretched contest that was going on in that country had been so atrocious, so abhorrent to every feeling of humanity and civilisation, and so utterly disgraceful to the age in which we lived, that it was very difficult to feel anything of interest in the success of either party, or to look at the result of the contest, except with feelings allied to loathing and disgust. He would stop not to inquire on which side they ought to distribute the greater share of disgust, or on whom to pour out the greatest measure of their indignation; it at least, however, must be admitted, that if there existed in the country any government that was organised, and that possessed the tribunals and institutions of a government, they were entitled to look to that quarter for conduct very different from that which must necessarily come from a court held in a camp, and composed of fugitives. But, without entering into that branch of the question, it appeared to him that the noble Marquess had to-night exhibited a new feature belonging to it, and one not calculated to diminish its deformity. He had disclosed to their Lordships a signal act of treachery in addition to the picture of ferocity they already had before them. The noble Earl had described this act on the part of Maroto as a great measure of pacification, and as being the cause of the restoration of peace; but that which struck him, nevertheless, was this—that however their Lordships might love peace, though obtained by treason, still they execrated the the traitor; and the circumstance to be deplored was, that this act of treason, if not actually effected, had been aided, abetted, and instituted by British councils. He admitted that their Lordships had recently learned a great deal; and that it was possible, therefore, they might be wrong in looking upon this as an immoral and a disgraceful act on the part of the individual concerned: but he confessed he could not view the conduct of that general, who was entrusted by his prince with the management of his affairs, with any other than feelings of the utmost condemnation and disgust. In saying this, he was by no means expressing an approval of the conduct of Don Carlos. He had never in that House maintained the character of that prince to be meritorious or otherwise; and this he must say, that the treachery of his general was quite independent of the character of the prince by whom he was trusted. It was very easy to call Don Carlos a rebel, and to say that his officer in deserting him had only returned to his allegiance; but that was not a fair statement of the case, nor was there any parallel between it and the instances to which the noble Earl had alluded. The contest in Spain involved a question of disputed succession; and not only so, but he would venture to say that it was the most doubtful question of succession that had ever arisen in Europe. The noble Earl must admit that, till within the last few years, the established law in Spain was such as established indisputably the right of Don Carlos to the throne of that country. This, in fact, formed part of the law of Europe even at the present moment. Had not three out of the five powers of Europe hitherto refused to acknowledge the legitimate succession of

Queen Isabella? He would repeat, therefore, that it was a question of the utmost doubt; and although the present war might be called a rebellion of the people against their lawful sovereign, yet if Don Carlos had, as he might have, succeeded, what should we have heard then? We knew very well that with equal truth all that the noble Earl had alleged against the followers of Don Carlos would have been heard uttered against those who were now acting with the Queen. But this was a question not for us. It was not within our jurisdiction. We had nothing to do with the legitimacy of the Queen or of Don Carlos. It was a question exclusively Spanish which monarch they would have. He was not one of those who blamed her Majesty's Government for having acknowledged the Queen of Spain. Far from it. A great portion of the nobility, and of the army, with the great mass of the people of Spain, having acknowledged the right of the Queen to the throne, he thought the British government were perfectly justified in acknowledging the succession of the Queen of Spain, and of establishing relations with her Government. But it was a very different case, that of acknowledging her right, and of establishing relations with the Queen of Spain from that of mixing ourselves up in the contest in that country, and taking part in those disputes which prevailed there. The noble Earl had observed, that this country was compelled, or rather authorised to take part in the convention of Bergara—disgraceful or otherwise, and that England was bound by treaty to act in support of the Queen of Spain.

The Earl of *Clarendon* begged to say, that no such observation had been made by him. What he said was, that her Majesty's Government had, by every means in their power, endeavoured to promote the pacification of Spain by an arrangement that should be agreeable to all parties concerned; but he did not say her Majesty's Government were parties to the convention of Bergara.

The Earl of *Aberdeen* said, he had not meant to allude to that convention. But what the noble Earl stated was, that the British Government were bound to Spain by treaty, that was to say, the quadruple treaty. Indeed, that was the topic to which he wished to draw the attention of the noble Viscount (Melbourne). He had endeavoured to do so before, but had not had the good fortune of getting an answer. He should like precisely to understand what it was that this country was bound to by the quadruple treaty, and how we were situated at this moment with respect to it. The nature of that treaty was really most extraordinary. He must begin by saying, that he thought it a most impolitic treaty, and one most opposed to the established policy of this country that was ever entered into. However, he now wished to know how we stood at this moment under its obligations. He knew that the noble Viscount had very odd notions as to the manner in which treaties were regarded in this country. He remembered, some years ago, when the noble Viscount was in opposition, his making an enumeration of the treaties England had broken, and the faithless character we had in Europe for the last 150 years, and he held us up as having no regard for treaties. He differed then, as he differed now, from the noble Viscount. He considered this country faithful to treaties; and he remembered saying that her fidelity was perhaps the more remarkable, inasmuch as it was thought that popular governments were in general less observant of treaties than other Governments. But, however that might be, surely it was desirable that they should know what their obligations were. All treaties were either permanent or temporary. Was this quadruple treaty permanent? He himself thought not. The treaty was entered into for a specific purpose; and although he considered it temporary in its character, he had too much reason to fear, that it would be of long endurance. Still its object and purpose were temporary. As far as he could understand the case to exist at the present moment, the treaty had for its object the restoration of the internal peace of Spain. That was its only intelligible object, and the only object that was avowed. It was necessary that their Lordships should see how they had arrived at this position; for they should recollect that this treaty was originally entered into early in 1834, when Don Carlos was in Portugal, and when an invasion of Portugal was expected from Spain. It was recited by the treaty that it was the wish of the contracting parties to restore peace in the Peninsula, and that, in order to do so, it was necessary to procure the absence from the Peninsula of the two princes, Don Carlos and Don Miguel. That was the motive and object of the treaty. Well, the two princes were expelled, and he perfectly recollected both the noble Viscount and the noble Marquess, the President of the Council, congratulating themselves on the perfect success of that treaty, and that it had been limited to the object for which it had been announced. A few months afterwards Don Carlos escaped from this country, and arrived in Spain; and no doubt his presence renewed the war in that country. Well, in August 1834, additional articles were entered into; and what did those articles declare? There was no new object proposed — no new preamble to the treaty. It merely recited

> "That whereas in consequence of occurrences that had taken place in Spain, it was necessary to enter into new provisions, and the contracted parties had engaged so and so."

Therefore, the object that still remained to be accomplished by the treaty was the restoration of internal peace in Spain. That was not effected by the expulsion of the two princes from the Peninsula: what then remained to be done? The only stipulated measures we contracted to do was to furnish military stores and a naval force, while the king of the French was to prevent supplies being furnished to the opposite party. Still we were bound to restore internal peace in Spain; not strictly by the execution of these additional articles, but by such other means as the spirit of the treaty justified—for instance, by means (*inter alia*) of this very Bergara convention. Now, this opened a very alarming prospect; because, although this treaty was in its nature temporary, yet, if its object was the restoration of internal peace in Spain, there immediately arose the prospect of a continual intervention on the part of England with the internal affairs of that country. How were we ever to expect to separate ourselves from interfering with the internal conditon of Spain as long as any thing in the shape of disturbance or misgovernment continued to exist there? For their Lordships should remember, that this treaty had nothing necessarily to do with a state of war. The additional article did not contemplate the expulsion Don Carlos from Spain, nor did it even contemplate the cessation of war. It was the internal peace of Spain that it proposed to establish. Now he much feared that there would long prevail great disturbance, great confusion, and great anarchy in that country, without any open war being carried on in any part of it. These were matters perfectly foreign to anything this country, when entering into the treaty, ever contemplated. It was clear that the internal peace of that country must very much depend upon its internal government. If we were to act under this treaty until internal peace was restored to Spain, we must interfere with every act of its internal government which was calculated to disturb that peace, and produce again the wretched condition which had so long continued in Spain. This country had never before entered into such a treaty. It was a most impolitic measure, and one likely to lead to the most mischievous consequences. What had England gained by adopting the treaty? The noble Lord had said, that we had established liberal institutions in Spain, and that we ought to congratulate ourselves at such an event. Why the noble Earl must see that England maintained the closest relations with countries in which there were no such institutions. He (the Earl of Aberdeen) was glad to hear the noble Viscount two or three weeks ago, when his attention was called to the question of preserving the integrity of Turkey, say that as to the institutions, character, and opinions that prevailed in any country, he did not think those points ought to influence our conduct at all. It was what was essential to the interests of England which we ought to look to. He entirely agreed with the noble Viscount; and he believed, generally speaking, that the opinions of the noble Viscount were correct upon these subjects when he followed his own judgment, and not that of others. As to the idea of nations entering into treaties for establishing liberal institutions in other countries, it was absurd. Did the noble Earl think that we could, by treaty, arrest the despotic views of the emperor of the north? Such topics were all very well as matters of declamation in that House, and as subjects for paragraphs in newspapers, but it was not a course of policy for a wise Government to adopt. But the doctrine of the noble Earl was not true, nor did history show that the establishment of free institutions in the nations with which we were allied led to the promotion of the interests and prosperity of the parties concerned. Look at our own connection with Portugal. Portugal had been for one hundred and fifty years so closely connected with England, that it was always called by the other powers of Europe an English colony, and yet Portugal was one of the most arbitrary and one of the most bigoted Governments in Europe. By the bye, he should like to know whether that country was more friendly towards us, now that it had become more liberal. Look, again, at all the great powers of the continent. Which of them had been the most permanently connected with this country? The great Austrian empire; and yet that was a despotic power. But, then, it was a power with which no English interests ever came in collision; and for many years its policy had been essentially pacific. That, indeed, was the great object to be regarded. The aim of this country ought always to be to enter into into those relations which were most likely to continue the preservation of the general peace. It was in this respect, therefore, that he looked upon Austria as the natural friend of this country. It would be preposterous to suppose that any such alliances as those to which the noble Earl had alluded, that of having for their object the spread of liberal institutions in other countries, would ever enter wisely into the policy of this country. With respect to the treaty now under discussion, he (the Earl of Aberdeen) begged to say that one of his great objections to it was, because he thought it had contributed to that state of estrangement and alienation from us which at present existed with the French Government. That treaty, which was to bind England to act in concert with France, had, he most sincerely believed, been in a great degree the cause of the estrangement that existed at the present moment on the part of that country toward us. Why, from the very first, the two Governments had never acted cordially together. There were nothing but mutual complaints as to the manner of carrying the treaty into execution. The noble Earl, who had lately returned from Spain, knew full well that such was the fact. He would say nothing on the subject of the French alliance with this country. He was quite ready to admit the importance of maintaining that alliance. No person was more desirous of cultivating the closest friendship with France than himself; but such a friendship might exist for every salutary purpose, without the formation of an alliance for carrying out a questionable object. The quadruple treaty, in his opinion, had been attended with injurious effects to this country, and, therefore, he wished to know what was the interpretation which the noble Viscount put upon it, and what were the obligations it now imposed upon us? Their Lordships would observe that all the engagements were on one side. It was all unilateral. The Queen of Spain engaged nothing. He supposed it would be taken for granted that she had engaged to govern well, because good government tended to establish internal peace. She also, he presumed, engaged to govern wisely, because that was the way to secure peace. But we were to judge of that. It seemed to him, according to any possible analogy, he he could form in a case which was so unlike any that had ever before occurred, that the quadruple treaty was at this moment at an end. Whenever the noble Viscount should choose to say that, according to his judgment, internal peace was restored in Spain, at that instant the obligations of the treaty would cease. For the Spanish Government was bound with no reciprocal conditions; of course, therefore, the Government of this country was perfectly at liberty to put an end to its own obligations whenever it thought proper. He believed that not only the interpretation of the Bergara convention, but the future progress of the contest, which was far from being concluded in Spain, must be regulated by the manner in which the quadruple treaty should be interpreted. There was one point to which he wished to refer before he sat down—he meant the case of the claims which the noble Marquess brought forward yesterday on the part of the officers and men of the British Legion, and for whom their Lordships must feel that sympathy which their condition so greatly deserved. He must say that the noble Earl appeared during his mission in Spain to have exerted himself laudably on their behalf, though his exertions were not attended with success. Those were no doubt claims of equitable consideration on the part or her Majesty's Government from the encouragement given by the Government to the cause in which the claimants suffered. Still there was no absolute obligation; there was no treaty to bind the Government. Now he would call the attention of their Lordships to a certain treaty which he had the honour himself to conclude in 1829, for the indemnity of certain claims which certain British subjects had, in consequence of having suffered from the violence of certain Spanish authorities. A large sum was paid by the Spanish Government in money, and the remainder was paid by the issue of bonds. Those bonds were guaranteed by the British Government, that Government being a party to the treaty which had been effected, and the bonds, when all other Spanish securities were worth almost nothing, obtained their full value in the market, inasmuch as the respected name of Great Britain was security for their payment. If ever there were a case in which a Government was under a deep obligation—if ever there were a case in which a Government was bound to fulfil a contract, this was one. The annual amount of the interest upon these bonds amounted only to about 30,000*l.*, but five or six years' dividends were now due, and remained unpaid. He thought it said but little for her Majesty's Ministers that they had not sufficient influence with the Government of Spain to procure the payment of this small sum annually—a sum upon the payment of which they were bound to insist, not only as supporting the just claims of their countrymen, but to secure their own honour, and to fulfil their own plighted faith. It was no answer to him to say, that representations and remonstrances had been made to the Spanish Government upon the subject. He had no doubt that they had been made; for when he brought this subject forward on a former occasion, the noble Viscount admitted the whole truth of what he had stated, but said that Ministers had remonstrated. But he begged to bring the matter under the noble Viscount's notice in this shape—the claims of the legion were binding only upon the Queen of Spain; but these bonds were contracted under a treaty which was binding, not only upon the Queen, but upon the whole of Spain. If Don Carlos had succeeded in his attempt upon the throne of Spain, the British Government would have exacted the fulfilment of the conditions of the treaty from him, exactly as they were now bound to exact it from the Government of the Queen. If Don Carlos had succeeded, would he have been eight-and-forty hours in possession of the throne before the British Government threatened reprisals, unless he liquidated these claims. However reduced the Spanish finances might be at the present moment, it was preposterous and absurd to say, that they were not capable of paying 30,000*l.* a-year in fulfilment of a solemn pledge. It was preposterous and absurd to say, that the British Government could not extort 30,000*l.* a-year from Spain, in fulfilment of their own arrangement; for he was not very certain whether the persons claiming under this treaty would not have a claim against the Treasury of this country for the amount of the sums due to them. He had brought this subject before the House two years ago, and he trusted the noble Viscount would not think him unreasonable if he expressed a hope that he should not have to bring it forward again two years hence.

Viscount *Melbourne* stated, that considering the various matters which the noble Marquess had mixed up with the treaty of Bergara—namely, the part which the Spanish Government had borne, the part which the British Government had taken, and the share which British officers had had in bringing that treaty to a termination—it was perfectly obvious that their Lordships could dicuss those matters with much greater advantage, with much greater facility, and, withal much more satisfactorily, when they were in possession of the information for which the noble Marquess moved, than they could do at the present moment. At the same time, considering the very long speech that had been made by the noble Marquess who brought forward the motion—considering the observations which had often been made upon the treaty in that House, and the animadversions which were continually made upon it by some portions of the public press, he thought that his noble Friend (Lord Clarendon) was perfectly justified in going into some explanation of the circumstances under which the treaty had been concluded, and of the share which British officers and men had had in producing it. His noble Friend, on the opposite side of the House, had gone back to the origin of the whole affair, and had produced many of the selfsame arguments that had over and over again been put forward upon the same subject by the noble Duke. The noble Lord told them that Ministers were wrong at the outset—that they ought never to have interposed in the affairs of Spain—that they were wrong politically, because by interposing they deprived themselves of the opportunity of acting as mediators; and that they were wrong in a military point of view, because they were attaching the fame and fate of a small body of British troops to the uncertain fortune of the soldiery of Spain. That was the often repeated argument of the noble Duke; but he doubted the accuracy of it. He differed from those opinions; but even if the argument were good, and the opinions sound, it was obvious that they came too late. For whatever the original policy or wisdom of the course pursued, at any rate they had engaged in the Spanish struggle—at any rate they had concluded the treaty—at any rate they had acted upon the treaty—at any rate they had engaged, and engaged actively in the military affairs of Spain; and being engaged in that manner when it appeared that the army of the Pretender relaxed its vigour and energy, and evinced a disposition to come over to the Queen; when they found, whether right or wrong—for it was not for them to inquire into the feelings or opinions which governed the conduct of Maroto—and they knew nothing of the relations which existed between him and Don Carlos; when, being engaged in active operations, they found that the enemy's general was desirous of giving up the contest, would they not have been idiots, would they not have acted in a way wholly unworthy of themselves and of the country, if they had not taken advantage of that contingency? Why he might reply to his noble Friend opposite in the language of the Swedish general in the great German play, who, when another important change was said to be negotiated, observed:—

> "What may have beseemed your Highness so to act towards your sovereign liege and emperor, it beseems not me to inquire; but this advantage is in our favour, and all advantages in war are just."

In the same way, was it not perfectly the duty of the British Government to take advantage of the defection of the enemy's general, the sooner to bring the contest to a termination. Any other conduct would have been perfectly childish and puerile; and he was satisfied that neither the good sense of the country, nor the wisdom of Parliament, could ever form any other judgment or opinion upon the subject. Whatever might have been the nature of the transactions between Maroto and Don Carlos — whether the former acted with treachery towards the latter or not—whether the conduct of the first was right or wrong—did not appear to him to be in any respect a matter for their Lordships' inquiry. The whole affair resolved itself simply into this: Great Britain was engaged to effect the pacification of Spain, and this was an opportunity which presented itself for carrying her policy into effect. His noble Friend (the Earl of Aberdeen) had asked him what was the interpretation of the quadruple treaty under existing circumstances, and what was the position in which England now stood with respect to Spain? He did not know, that, it was quite fair to call upon him immediately, not having the treaty before him, to state precisely what was his view of its present obligations; but he had no hesitation about the matter. His noble Friend had given, as far as he recollected, a very correct history of the treaty. The first treaty was framed in the beginning of 1834, with the view of procuring the expulsion of Don Miguel and Don Carlos from the Peninsula, and he apprehended that the obligations of that treaty were completely fulfilled when the expulsion of those princes was accomplished. Subsequently, however, Don Carlos, after passing through England, presented himself in the north of Spain, and commenced a course of hostilities against the government of the Queen. The parties to the treaty then entered into fresh articles, and adopted fresh obligations for effecting the pacification of Spain. Those fresh articles were not confined to the expulsion of any prince or any person whatever from the dominions of the Spanish Queen. He apprehended therefore, that the conditions of the treaty were not satisfied by the expulsion of Don Carlos from Spain. Speaking from his recollection upon the subject, he should say that this country was unquestionably bound to give her assistance to Spain as long as any of the hostilities arising out of the attempt of Don Carlos to dethrone the Queen continued to exist. All the hostilities that were now going on in Spain arose out of the appearance of Don Carlos in the northern provinces immediately after he had passed through this country; and he (Lord Melbourne) should say, that England was bound to give her assistance to the Queen's government, until those hostilities were terminated. Beyond that the treaty did not bind the Government of England to any further interference in the affairs of Spain. It did not bind them to interfere in any other difficulties that might arise—it did not bind them to interfere in any such case as was anticipated by the noble Marquess by whom the present motion was brought forward—it did not bind them to interfere in any questions between parties in Spain, nor in any of the internal affairs of that kingdom. But, until the hostilities arising out of the attempt of Don Carlos upon the throne were completely subdued, he thought that the treaty would remain in force, and be binding upon this country. That was the opinion which he should give if called upon to give an opinion now, but before he could state one positively and decidedly it would be necessary that he should consider the actual terms of the treaty. Acting, however, upon its spirit, that was unquestionably the interpretation he should put upon it. His noble Friend (the Earl of Aberdeen) had entered into many other points of consideration of a general nature but all turning upon the Spanish policy of the government. Into those subjects he would not upon that occasion follow him. In the latter part of his speech his noble Friend had called upon him to make some declaration with respect to a matter which he had often pressed upon his attention, namely, the claim of the Spanish bondholders under the treaty of 1829. He was afraid that those claims were not yet satisfied. He could say no more than that strong representations had been made upon the subject. And, perhaps, he might add, that he thought that more allowance and more indulgence ought to be shown towards the Spanish government, in consideration of the great and pressing difficulties by which it had been surrounded, than his noble Friend seemed disposed to allow it. He had no objection to the production of the papers.

Lord *Ashburton* expressed his abhorrence and disgust of the course pursued by Maroto throughout the whole of these transactions.

The Marquess of *Londonderry* having briefly replied, expressed a desire to put another question to the noble Viscount. He wished to know whether the noble Viscount would consider the conditions of the quadruple treaty binding as long as the war should be carried on by Cabrera.

Viscount *Melbourne*: That must be according to the judgment of the Government.

Motion agreed to.

HOUSE OF COMMONS,

Tuesday, February 25, 1840.

MINUTES.] Bill. Read a second time:—Marine Insurance Company.

Petitions presented. By Colonel Butler, and Mr. Bellew, from several places, for an Extension of the Suffrage, and Corporate Reform for Ireland.—By Messrs. Hindley, M. Philips, Eliot, and Sir De Lacy Evans, from a number of places, for the Total and Immediate Repeal of the Corn-laws.—By Sir C. Style, from a place in Essex, for the Release of John Thorogood, and the Abolition of Church Rates.—By Messrs. F. Dundas, Grant, H. Johnstone, Sir James Graham, and Lord G. Stuart, from a number of places, against the Intrusion of Ministers into Parishes.—By Mr. Strutt, from Derby, for a Law to summarily punish Juvenile Offenders.—By Messrs. Plumptre, Barneby, B. Wilbraham, Sir C. B. Vere, Lord Henniker, and Lord Cole, from a number of places, for Church Extension, for Religious Education, and against any further Grant to Maynooth College.—By Lord G. Somerset, from the Salesmen of the London Markets, against conveying Cattle upon Railways.—By Messrs. Leader, and T. Duncombe, from a number of places, for a Free Pardon to Frost, Jones, and Williams.—By Mr. G. W. Wood, from Manchester, in favour of the Designs Copyright Bill.—By Mr. Jervis, and Mr. T. Duncombe, from the Printers of London, against the Copyright Bill.—By Sir R. H. Inglis, from Walbrook, and Sir T. D. Acland, from Torrington, for the Release of Mr. Sheriff Evans; and by the latter, from Sandford, against any Alteration in the Corn-laws.

EAST INDIA PRODUCE.] Sir *R. Jenkins* rose to call the attention of the House to the petition of the East India Company, presented on the 11th inst., praying for further alteration of the duties on articles of East India produce; and to propose a series of resolutions, of which he had given notice. The territories which had been committed to the government of the petitioners by an act of the British Legislature, formed a very large and important portion of the British empire. The expense of carrying on the government of those possessions in India was defrayed by the petitioners themselves, and not only did they support their own military forces, and the establishments necessary for the preservation of order, but they contributed to the maintenance of the troops which were sent out by the Government at home. Our East India possessions were entitled, he submitted, to the fair and equitable consideration of the Legislature. It was the duty of the British Parliament to promote their interests in trade and commerce. If those dominions were dependent on this country for maintenance, the interests of the mother country might very properly be preferred to theirs; but they were a source of great wealth and power, and he would add, of glory too, to this country. Annually remittances were made to England, amounting to upwards of 3,000,000*l.* sterling, for which no return was made, and therefore it might be considered as tribute; not to mention the large fortunes which individuals were constantly acquiring there, and returning to their native land to spend. The House, then, would surely agree with him, that in return for all these benefits, arising from our connexion with India, the trade and commerce of those living under our authority there ought to be encouraged by every means consistent with justice, and a due regard to the interests of the mother country. Surely the products of British India ought to be admitted into the ports of Great Britain on the same terms of advantage as were granted to our other dependencies. The first article to which the petition of the East India Company alluded was sugar. By the 6th and 7th of William 4. cap. 26, the duties on East and West India sugar were equalized, but the conditions which were appended to that law confined its operation to Bengal. By the 1st and 2d of Victoria, cap. 33, means were prescribed for extending to other parts of the British territories in India the same advantages which were conceded to Bengal; but those means were found to be unsatisfactory and inefficient, and calculated rather to interrupt than to promote trade. The importation of sugar grown in the British possessions in India at a low duty was to be permitted, but at the same time the importation of foreign sugar into the East Indies was prohibited, and the provision was imposed that her Majesty in council should be satisfied that the importation of foreign sugar was prohibited duly in the presidencies. Now, it was of the necessity for that reference to the council that the company complained. They saw not the need, and they felt the hardship of interposing such delay in their trade. In order to encourage the people of India to embark their capital in commerce, it was necessary to hold out to their expectations something like a certainty of success. It was difficult to deal with conflicting interests at all times and under all circumstances, but this was more acutely felt with regard to India, she not being able to contend with conflicting interests, which were more powerfully advocated at home. The Company wished to have the provisions of the 6th and 7th William 4th, giving certain exemptions from this troublesome proceeding to the Presidency of Bengal, extended to the whole of India. All that the petitioners desired was, that that confidence which had been placed in some of the dependencies of British India should be made general. Two of the subjects to which the petition alluded were tobacco and spirits. The tobacco which came from America to this country only paid a duty of 1*s.* 6*d.* per pound, while that which was imported from British India paid 3*s.* The petitioners therefore prayed that tobacco coming from India might be placed on the same footing as that which came from America. Then with respect to spirits—he alluded principally to rum—whilst the imports from the West India colonies paid 9*s.* a gallon, those from India paid 15*s.* a gallon. Now, he did not see why rum should not be admitted from India on the same terms as it was from the West India colonies. The petition also stated, that whilst the cotton goods of this country were exported to India at from 3½ to 7 per cent., as they might happen to be imported in English or foreign bottoms, similar goods manufactured in India were only admitted to this country on the payment of a duty of from 10 to 20 per cent. The effect of these arrangements was, that a great decrease had taken place in the importation of Indian goods into England. In 1813 and 1814 the importations of white calico, muslin, &c., amounted to nearly 1,000,000*l.* sterling in value each year. In 1833 and 1834 that amount had sunk to 50,000*l.* and 75,000*l.* But the importation of British goods into India had increased. In 1814 it amounted in value to 109,487*l.* In 1837 it had increased to 2,160,936*l.*, and in 1838 to 2,445,000*l.* The silk goods of Great Britain paid in India the same duty as cotton goods—viz. from 3½ to 7 per cent.; whereas silk goods from India paid 20 per cent. in this country. This was unjust towards India, and he was quite satisfied that this injury might be done away with, without prejudice to either the manufacturers or the revenue of England. There was another article alluded to in the petition, which at the present moment was a subject of peculiar interest in this country—he meant the lately established culture of tea in Assam. He thought that it would be good policy, and most advantageous to this country, if protection and encouragement were given to that produce. Intime, no doubt, the tea grown in Assam would be as good as that imported from China, and he trusted yet to see that a very considerable proportion of the tea consumed in this country would be the growth of India. There was another point, also, of very great interest. A difficulty arose two or three years ago respecting the importation of coffee from the territory of Mysore. The petition prayed for an equalization of the duties on coffee, upon the same principle as upon the article of sugar. At the time he alluded to, the question was, whether Mysore was a British possession? An inquiry having been made, it was ascertained, that Mysore was nominally the dominion of an Indian prince, and the coffee from that district was only admitted as foreign coffee. But Mysore was under British authority; its revenues and territories were under British control, and as much British influence was exercised there as in Bengal. The principle for which he was contending, however, had been recognized to the fullest extent in a case which came under the notice of the Government during the last Session. A question having arisen as to whether coffee imported from a country contiguous to the British settlement at Sierra Leone was admissible at a low rate, the Lords of the Treasury and the Board of Trade called upon the importers to establish their claim by proving that the coffee was grown in the neighbourhood of a dependency of Sierra Leone, and that the people were in habitual and friendly communication with the British residents of that settlement. That was the condition upon which it was proposed to give the advantage to those people which the petitioner now asked for the people of India, who were not merely friendly to the British residents, but were under the same Government with them, and formed part and parcel of the British empire. He did not then feel himself called upon to pronounce any opinion on the policy of that portion of our navigation laws, which went to exclude certain of those who were not natives of Great Britain from employment in the naval service of this country; but he might be permitted to observe that the Navigation Act, which excluded the natives of India, admitted to the rank of British seamen negroes belonging to British possessions Surely the natives of India ought to enjoy advantages shared by parties standing in no nearer relation to this country than did the negroes of the West Indies. In India we possessed an empire which had proved to us of unparalleled value. The inhabitants of that empire looked up to England for assistance, and support, and protection, and when the House reflected upon the vast benefits which India conferred on this country, hon. Members must feel, that we were bound to give free scope to the commerce and the industry of a land to which we owed so much. In reference to India, we were the holders of a great and important trust, and he must say, that that trust would never be fully or satisfactorily discharged otherwise than by doing justice to the commerce of India. Our duties towards that part of our possessions would never be fulfilled until every Act of Parliament which pressed unfairly upon the struggling industry of India was obliterated from the statute-book. The hon. Baronet concluded by moving the following resolutions:—

"1. That, with a view to carry out the intention of the Legislature, that sugar from the East Indian possessions should be admitted on equal terms with sugar from other settlements, it is the opinion of this House, that, on the prohibition of the importation of sugar into ports in India by the local Government, the importation of sugar into this country from the ports of India, at an equal rate of duty, ought to be permitted.

"2. That spirits being the produce of British possessions, are in no case, except that of India, subject to a higher rate of duty than 9*s.* per gallon, the duty on spirits from India being 15*s.* per gallon. That it is the opinion of this House that the duties on spirits from all British possessions should be equalized.

"3. That tobacco, the produce of British possessions in America, being subjected to a duty of only 2*s.* 9*d.* per pound, while that of India pays 3*s.*, it is the opinion of this House that the duty should be equalized.

"4. That while cotton and silk piece goods from the United Kingdom are admitted at the principal ports of India at an *ad valorem* duty of 3½ to 7 per cent., similar goods from India are subjected to duties at 10 and 20 per cent. It is therefore the opinion of this House, that the duties on cotton and silk goods imported from India, should be subject only to such duties as are payable on the same description of goods shipped from this country to India.

"5. That, with a view to the encouragement of the cultivation of the tea plant in British India, it is the opinion of this House, that the duty levied on tea, the produce of British India, should be lower than that on tea imported from China.

"6. That it is the opinion of this House, that all inequalities existing in any of the colonial possessions of her Majesty in the amount of duty levied on goods, the produce of the United Kingdom, and those the produce of India, ought to be removed.

"7. That, under the construction of the term 'British possessions,' the produce of many parts of India subject to the authority of the British Government, is charged with rates of duties applicable to the produce of foreign countries. That it is the opinion of this House, that the whole of the territories of British India should receive the benefit of the term for commercial purposes.

"8. That those provisions of the existing laws of England which exclude seamen, natives of the territories of India, subject to the British Government, from the privilege of being considered British seamen, while that privilege is extended to natives of other British possessions, operate prejudicially to a class of persons entitled to the protection of Parliament; and that it is the opinion of this House, that the law, in this respect, ought to be amended."

He should further move, that this House will, on Wednesday, the 4th of March, resolve itself into a Committee of the whole House, to take into consideration the duties payable on articles, the produce of British India, imported into the United Kingdom.

Mr. *Hogg* seconded the motion. He felt a deep consciousness of the importance of the present question, and he also felt prompted to discharge his duty by his strong feelings of gratitude and attachment towards that country, where he had passed the best days of his life. He knew well how little disposed hon. Members were to submit to the infliction of an Indian debate. There was none of that party feeling involved in it, which commanded the attention of the House, or afforded an expectation that the great leaders would take any share in the discussion—there were no watchful constituents to note those who were absent, or canvass the votes of those who were present. It was a mere detail of grievances long existing and patiently endured, urged perhaps by the feeblest portion of the House, on behalf of millions who exercised no influence in their councils. The day had passed by when India might be regarded as wholly separate and distinct in its political and commercial relations from the rest of the empire. No man seeking to take a part in public life, could now look upon India as a country fitted only for the sphere of civil and military operations, and unworthy of the attention of the British Legislature. The countries which intervened between the North-west frontier of India and the European States were no longer unknown. His hon. Friend, in selecting the present time for the discussion, had chosen that which was most opportune and most fitting. They could not have forgotten that many days had not elapsed since they voted the thanks of that House to the Indian army for its achievements in the West of India. It was unnecessary for him to remind the House of the unparalleled length of their march—the difficulties of the country they had travelled when they saw the natives of India vying with the British troops in their endurance of toil, their bravery in the breach, and their moderation in victory. Whence came the resources necessary for that stupendous campaign? They came from those on whose behalf he now solicited justice at their hands. He prayed them not to confine themselves to barren votes of thanks, let them do substantial justice to the countless inhabitants of that mighty empire, which had furnished them the means of overcoming those difficulties. Let them not refuse to India, the use of the power which Providence had afforded her of recruiting her strength. He hoped the House would express an opinion upon this subject, that would be strong enough to support the Chancellor of the Exchequer, if wavering, and to coerce him, if reluctant. He believed that every one admitted the injustice and impolicy of discriminating duties with reference to different parts of the same empire, but, with respect to India, the impolicy was peculiarly striking. Look at the relative situation of India and England. It so happened that each could supply what the other required, and he could see no limit to the extent to which they might mutually benefit each other without collision and interference. He believed, that if there was a desire to legislate selfishly and solely with reference to the advantage of England, that object could not be accomplished otherwise than by doing full, entire, and ample justice to India. England required an outlet for her manufactures; India offered a market almost without limit, with reference to the extent of her territory and the extent of her population. The natives of India were not indisposed to buy our manufactures, but they wanted the means, not the will. If the condition of the natives of India were improved by the encouragement of their commerce and agriculture, British capital would be induced to find its way into the interior, and they would enhance thereby the interests of England, and perform a sacred duty to India. There had not been that rush of capital towards India, which had been predicted in the discussions upon the Charter. It was as well perhaps, that there had not been an improvident rush of speculation and capital towards India, because, instead of benefitting that country, it might have been attended with utter ruin to the individuals, as was strongly the case in South America; but he believed that British capital would speedily be forthcoming in the interior of India, if that House manifested a wish to encourage by every means in their power, and he hoped that would be the result of this night's debate. If they looked to the general trade of India, and compared recent years with years long antecedent to the Charter, it would be found that the result was melancholy, because there had been an absolute deficiency. In 1836, the amount of trade in Opium and Indigo, from Calcutta, was 32,900,000 rupees; in 1806, 11,940,000 rupees; but looking to the general trade, putting these articles apart, in 1836, the raw products amounted to 18,000,000 rupees; the manufactures to 4,000,000 rupees; the sundries to 1,000,000 (and odd) rupees; aggregate 24,000,000 rupees. In 1806, the raw products were to the amount of 15,400,000 rupees; the manufactures to 13,800,000; the sundries to 1,000,000 rupees; aggregate 29,000,000 rupees. The result was, that the House would see (taking the general trade, excluding Opium and Indigo) in 1806, the trade amounted to more than in 1836. This was a melancholy fact, and enough to justify any Member in calling the attention of the House to it. Let not the petition then be met by the statement, that though in special articles the petitioners might be right, the result of the general trade was against them. The first article in the petition was sugar. Now, let the House recollect that they did not ask a new contract. They only wished the House to supply the means for carrying into effect regulations admitted to be just and equitable. The Government had a right to require that before the importation of sugar was allowed from the East Indies at West India duty, it should be proved that there had been no foreign sugar imported, so as to create an artificial surplus. What the petitioners asked was, that whenever the Governor of any Presidency found a surplus production of sugar, he might prohibit the importation of foreign sugar, and, at the same time, allow the exportation of the sugar from that Presidency on the equalized duties. He asked for the introduction of no new principle; all he wished for was, that the old one should be brought into action, and he would leave it to the hon. Gentleman opposite to adopt the course which he thought would have that effect. It would be satisfactory to the House to be informed of the benefits which had taken place from the equalization of the duties on sugar. In 1835, the last year before the equalization, there was imported into this country 98,722 hogsheads while, in 1838, two years after the equalization, there were imported 418,727 hogsheads. Then, with respect to coffee, the produce of the British possessions in India; in 1834, the year before the equalization took place, there were imported 1,558,604lbs., while in 1838 10,285,347lbs. were imported. The House would therefore see the enormous increase that had taken place in four years in the importation of coffee alone. Indigo had also been imported at a low rate of duty, and a similar result had taken place. Sugar had been imported from the East Indies, at the low rate of duty. Pepper was also imported in the same way. Coffee, however from the Mysore could not be admitted into a British Possession without a duty. Mysore was, in fact, treated as a foreign country, while its internal administration was placed under a British Commissioner. The entire administration of that country was now left to that Commissioner—the Rajah merely received from him a tribute; and yet coffee could not be imported from British Possessions into that country but by being made subject to a duty. He had also to complain that the duty on West India rum was now but 9*s*., while the duty on East India rum was 15*s*.

The duties, however, on both should be equalized; and it would otherwise be useless to equalize the duties on sugar. With all these disadvantages, however, the production of rum in the East Indies had doubled every year. The next article was tobacco—of which article upwards of fifty millions of pounds were imported into Great Britain, and of that quantity India afforded little more than 40,000lbs., with a country and climate peculiarly fitted for the cultivation of tobacco. The reason was, that tobacco imported from India paid a duty of 3*s*. per lb., while it could be imported from the British settlements in America for 2*s*. 9*d*. In point of fact the existing usage was, to admit the produce of their own Colonies at a lower rate than that brought from foreign countries. If that were so, why not admit the produce of India at a lower rate than that of America? The fact was, that tobacco could be imported from Canada at 2*s*. 9*d*. per lb., while the duty on Indian tobacco was 3*s*. The next article was cotton, and to cotton he would beg the particular attention of the House, because its importance was the greatest, and the hardship to India in connection with it was the greatest. For centuries cotton had formed the great staple of India, and he believed that her fertile plains could furnish, almost without limit, that raw material so eminently required for the manufacturing industry of England. Cotton produced in India could be imported into England, and through the wondrous agency of steam could be manufactured into cloth, returned to India and there sold cheaper than the cloth made in India. The inevitable consequence was, that the manufacturers there had been utterly ruined, and whole districts thrown out of employ. In Dacca, where those curious and beautiful fabrics, the Dacca muslins, were made, a great number of persons had been thrown out of employ, and the misery and suffering of the wretched inhabitants exceeded anything that could be imagined. With these calamitous circumstances pressing upon India cotton piece goods introduced into this country were subjected to an *ad valorem* duty of ten per cent., while English cotton piece goods could be introduced into Calcutta at a duty of three and a-half per cent. Such a proceeding was a gross injustice. To estimate the full extent of the suffering inflicted on Indian manufactures, owing to the competition of English manufactured goods, it should be borne in mind that cotton was the staple article of consumption in India. From the nature of the climate every inhabitant was clothed in it, and what increased the hardship was, that the inhabitants of that country had not the same facilities for turning their attention to other occupations as in England. Particular trades in India were so mixed up with the peculiarities of caste, that when a man gave up the trade followed by his forefathers, his helplessness and destitution were complete. He would, by a very brief statement of some of the particular articles in detail, prove not the decrease, but the total extinction of the cotton export trade of India. In 1814, the exports from England to India amounted to the sum of 1,874,694*l*. only; and, in 1836, to 4,285,829*l*. These were the general exports. He would now beg attention to the particular articles. The exports of cotton from England to India, amounted in 1814, to 109,407*l*., and in 1838, to within a few pounds of 2,500,000*l*. sterling. The cotton trade of India was thus completely destroyed. In 1806, the exports of cotton from India to Great Britain, amounted to 1,460,000*l*., and in 1838, to only 108,000*l*. While England thus inundated India with her cottons, she deprived her of the means of employing her population to any advantage. He would cite one more instance of the rapid progress of this inundation. In 1814, England exported only 8lbs of cloth yarn; in 1815 she exported none; and in 1838, 10,710,136lbs. Calamitous as these circumstances were, and deeply as he regretted them, he did not ask the House to protect the cotton manufactures of India, by the imposition of prohibitory duties on India cotton manufactures. He asked for no artificial protection for India; all he asked for was equal duties, fair competition, and fair play. He believed that if the House were to equalize the duties to-morrow, India, with respect to the minor articles, could not compete with England; indeed as England was, by machinery, almost unlimited in its powers of production. India could not compete with England; and, in the language of the petition, he would not urge as a grievance, anything that might be considered as the natural consequence of the ordinary course of trade, and not as the consequence of unequal duties. Then as to silks; silk piece goods imported from India into British ports, were subject to an *ad valorem* duty of 20 per cent., but silk piece goods imported from England into India, were subject to an *ad valorem* duty of 2½ per cent. He would not dwell on the great importance of encouraging by every means the culture of tea in India; it was at present in its infancy; he would not say anything about a protecting duty, but he thought, considering the uncertain condition of the relations between this country and China, some protection should be given to its culture. He had a long list of articles, the produce of the East Indies, which were subject to a duty of from 15 to 200 per cent., but he would not encumber the discussion at the present moment with it. He would, however, mention one other circumstance which was a cause of considerable vexation and expense. The shipowners of Bombay complained, that Lascar seamen did not come under the navigation laws, the consequence of which was, that after having navigated ships home, they could not be employed as seamen to navigate them back, and must be sent home as passengers. He was happy his Friend had not moved for a Select Committee, as that would have had the effect of producing delay, but added to that there was nothing to inquire about, and no necessity for a committee of inquiry? All admitted the inequality of the duty. The petitioners came to that House for the redress to which they were entitled, and he maintained that the present time was the fitting one for affording that redress. He trusted, therefore, that the Chancellor of the Exchequer, upon every one of the resolutions which had been read by his Friend, would give a clear and explicit explanation to the House. He knew not what course the right hon. the President of the Board of Trade might think it expedient to pursue on the present occasion. He believed, however, that the right hon. Gentleman was resolved on doing ample justice to India. But he must, in concert with others, attend to divers suggestions from the right hon. the Chancellor of the Exchequer. There were other parties, too, and contending interests, which, if they could not influence, would at least embarrass the right hon. Gentleman. Though his Parliamentary experience was not great, he knew that when a Minister was thus circumstanced—when he could not summon resolution enough to accede to the motion, and when he did not wish to defeat it, he generally sought for refuge in a Committee of Inquiry. He hoped, however, that his hon. Friend would not accede to any proposal for a Select Committee, and that he would, if necessary, call for a division on the subject. He would rely with entire confidence on the justice of that House, and that confidence was increased when he made his appeal, not on behalf of any party, or of any particular interest, but on behalf of the inhabitants of a mighty empire, whose destinies had been committed to their care. He believed that the House of Commons would show itself regardless of distance, or climate, or colour, and would ever be ready to uphold the just claims of all the subjects of the Crown, no matter whether in the West or in the East.

Mr. *Labouchere* did not rise to express any difference of opinion from the hon. Gentleman who introduced the subject, either as to its importance, or the weight which it derived from the character of the Gentlemen who had signed the petition—the representatives of that great company which had so long managed our vast East Indian empire, and he might add, that the subject came further recommended by the circumstance of its being brought forward by a Gentleman who united in himself so many claims to attention as the hon. Baronet. He could assure the hon. Baronet and the House, that he approached the subject in anything but a hostile spirit. He might be permitted to say, that the hon. Baronet had no reason to apprehend that the question would be considered by Government with any desire to come to an unfavourable conclusion, when it was remembered that it was the good fortune of that Government, only a few years ago, in 1836, to carry the first great step towards placing the interests of our East Indian fellow subjects on the same footing as those of their fellow colonists in other parts of the world; that it was the present Government which in 1836 placed those two staple articles of East Indian produce, coffee and sugar, on the same footing with the same articles grown in the West Indies. He trusted, therefore, that if he felt it his duty on the present occasion to urge on the House the strong objections which he felt to its pledging itself to the resolutions now proposed, it would not be imputed to him that he was actuated by any hostile or unfavourable spirit toward the interests of our East Indian fellow subjects. He could not look at the many all-important questions involved in these resolutions, having reference as they had to important interests in commerce, finance, and manufactures, without feeling that the House would not be acting with the deliberation it ought to exercise on such a subject, that it would not be acting with the care and caution which the importance of the case demanded, if they were now to affirm the principles embodied in the hon. Baronet's resolutions. With respect to these resolutions in themselves, he might in the outset observe, that many of the points advanced in them seemed, at first sight, to exhibit a comparison of unfair treatment, as between our East Indian possessions and the other portions of our colonial empire. Yet when they looked more closely into the matter, it would appear that the difference did not in many cases exist at all, and was in many other cases more theoretical than practical. He was very glad to find that the hon. Gentleman opposite was satisfied with the measure of 1836. That measure had been most beneficial in its effects, both as regarded sugar, and as regarded coffee. The following was a statement of the quantities of raw sugar, the produce of the British West India colonies, and of the British possessions in India, imported and entered for consumption in the United Kingdom in each year, from 1832 to 1839:—

Years.	West Indies, Exclusive of the Mauritius		India.	
	Imported.	Entered for Consumption.	Imported	Entered for Consumption.
	Cwts.	Cwts.	Cwts.	Cwts.
1832	3,773,456	3,824,264	88,238	79,595
1833	3,646,204	3,469,642	120,625	98,282
1834	3,843,976	3,748,934	77,230	121,481
1835	3,524,209	3,774,821	107,100	98,722
1836	3,601,791	3,296,641	155,950	110,257
1837	3,306,408	3,562,778	297,923	270,078
1838	3,520,675	3,369,084	443,353	418,726
1839	2,822,872	2,790,294	460,344	478,010

He was happy to say, that the House, in passing these measures, had not been disappointed. They had effected increased production in India, and furnished an increased supply at home. He would also add—although he could not, perhaps, very regularly allude to it—that the Government, in acceding to a motion in another place for a select committee to inquire into the subject of the resolutions, had at least evinced a disposition to allow the whole question to be thoroughly investigated. Notwithstanding that, the hon. Gentleman who seconded the motion, seemed to think, that they ought at once to jump to his conclusions, as self-evident and plain. The question was one which required the most grave and serious inquiry, but whenever it could be shown, that with security to the revenue, and with justice to other interests, any further progress could be made in removing the anomalies that might exist between the trade and commerce of our East Indian possessions, and those of the other parts of our colonial empire, then there would be no indisposition on the part of the Government to follow up the principles which had guided them in the reductions already made in the duties on coffee and sugar. He now came to the statement made in connexion with the first resolution, that although nominally they had admitted sugar from India on the same terms as from the West Indies, yet they had not, in fact, done so; that sugar from India still laboured under a practical disadvantage. The House must consider in questions of this kind, that when they were desirous to deal out equal justice to two parties, if the circumstances of the parties were different, they must employ different means of attaining the object. What was the case with regard to our West Indian possessions? By an act of the Imperial Legislature, our West Indian possessions were absolutely prohibited from importing a single pound of foreign sugar. There were many parts of India to which that law could not be applied, because they depended on foreign countries for their own supply of sugar. It would not be a boon, but an injury, to extend to all parts of the continent of India permission to export sugar, accompanied with a prohibition to import any for their own consumption. The Government took another course. They allowed any district of India that chose to renounce the privilege of importing sugar. A prohibition might then be issued, of the importation of foreign sugar to that particular part of India, and then the district would have the privilege of exporting sugar to this country. It was true, that they did reserve to the Queen in council the right of judging whether the proofs laid before them of the non-importation were satisfactory. They did not allow the local government of India to be judge in that matter, which appeared to him to be a proper subject for Imperial Legislation, and not fit to be determined by any power, however respectable, in any other part of the world. They should be departing from the principles of the connexion between colony and mother country by allowing so important a question to be decided in any other way. Nor was the present arrangement of any practical inconvenience to India, because it could only cause a delay of a few months. And let him observe, that as the importation of any commodity from India to this country concerned the officers of the revenue, and the executive department, it would be hardly right that they should receive their instructions with regard to an alteration in the duties on any commodity from India, instead of from the Government at home. With regard to the question of coffee, the hon. Gentleman had allowed, that the importation of coffee from India was working well, but he complained, that they did admit coffee grown in tributary and allied states on the same low duty as from the British possessions. That was a very important and not a very easy question, and he would entreat the House not to commit themselves rashly by any expression of opinion upon it at present. In the first place, the West India colonies, which were truly British, had a right to expect, that care should be taken, when admitting the produce of any other country on an equal footing with theirs, that that country should be completely and *bona fide* British. In the next place, he exceedingly doubted whether, if they were to admit the produce of countries not strictly speaking British possessions at a low rate of duty, they would not lay themselves open to claims on the part of other powers with whom reciprocity treaties existed, binding them to admit their productions on the most favourable terms which were afforded to any foreign nations. It must be obvious, therefore, that this question required the greatest consideration before any decision could be come to upon it. The hon. Gentleman complained, that with regard to tobacco, the trade of the East and West Indies was not on the same footing. It was undoubtedly true, that the duty on tobacco from India was three shillings, and from the West Indies and the British possessions in North America two shillings and ninepence. Some years ago the reduction had been made in favour of the latter countries, but it had remained a dead letter. The whole amount imported from these countries was so inconsiderable, that the law which made the reduction might be considered inoperative. He would read to the House the amount of the manufactured tobacco from the British plantations in America within the last few years:—

	lbs. manufactured.	Unmanufactured.
In 1832 .	15 .	25,156
1833 .	41 .	11,001
1834 .	47 .	7,926
1835 .	1,523 .	8,928
1836 .	1,316 .	13,866

In 1837 the whole quantity of manufactured tobacco imported was 214lbs., in 1838, 25lbs., and in 1839, not one single pound of tobacco, manufactured or unmanufactured. He mentioned these facts, for the sake of showing, that while there appeared to be favour shown in this matter to other colonies over India, there was practically none. On the other hand, it was the case—and he was glad that it was so—that they were importing a continually increasing quantity of tobacco from India. When he was asked, whether the Government should at once pledge itself to allow all tobacco from the East Indian empire into England at the reduced duty of 2*s.* 9*d.*, he must beg leave to point out the importance of the financial questions involved in such an arrangement. Tobacco was an article from which we obtained an enormous revenue, in proportion to the prime cost of the article, which was not more than 2*d.* or 3*d.* a pound. Upon that they were enabled to levy a duty of 3*s.* a pound, and to derive an enormous revenue from it. Now, whatever might be said as to the justice of reducing the duty on tobacco from the East Indies, still the House must consider the importance of the financial question upon which they were called upon to pledge themselves. The next question which the hon. Gentleman brought forward, and on which he addressed the House with great eloquence and effect, was the conduct of this country with regard to the cotton and silk manufactures of India. The hon. Gentleman pointed out the high duty which was laid on these articles when brought from India, and the low duty which was paid on the same articles exported from England. Whether this difference was just or unjust, no Gentleman who had paid attention to the history of the cotton manufacture could think that it had any serious effect in the extinction of the cotton export trade of India, and the substitution of the immense cotton trade of this country. It was owing to machinery, to capital, and to other causes, that the trade of this country had been raised to such a pitch of magnitude and importance, and neither the imposition nor the repeal of the duties in question could materially affect them. In any case, however, he must confess that with regard to these duties, they would be bound to consult the interests of the revenue as well as those of trade. Certainly it would neither be wise nor judicious for the House, without seeing what existing interests were affected by it, and without looking narrowly into the complicated considerations which were involved in the question, to pledge themselves at once to a great and sweeping alteration. It was better to trust in the spirit which actuated the country and the House of Commons, and he might say the Government, for the removal of the anomalies which existed, when, with justice to the finances, to the interests of our colonial empire, and the manufacturing and mercantile classes whom a change would affect, that removal could be accomplished. The question of the admission of rum from India was one which the hon. Gentleman seemed to treat as perfectly simple. To him, however, it appeared to be a very complicated one. If rum could be admitted under regulations which would prevent other spirits coming in along with it, the question might be easily settled. The boon having been granted to India of admitting her sugar on the same terms with West Indian sugar it would follow, as a natural consequence, that rum made from the refuse of sugar should be admitted also. That principle seemed to be fair and just, but he believed that practically it would be found difficult to carry it into effect. There was a very large manufacture of spirit from rice in India, and it would be extremely difficult if the door was opened for the admission of rum, to prevent arrack from getting in also. It would be scarcely possible to preserve the distinction. By a little mixture of molasses with the rice, spirits might be obtained which would easily find admission. Upon this point, also, he wished the House to observe the importance and extent of the question they were called on to decide. He did not mean to say, that the question was not well worth the consideration of the Government; but, assuredly, nothing could be more injudicious than a precipitate pledge upon the subject by the House of Commons. With respect to the question of tea, he believed that the quantity imported from Assam was a mere trifle. Whether they should make a distinction between such tea coming from our own possessions and any other, he was not prepared to offer an opinion. If he had an opinion, which he must confess he had not, he should not think it right to declare it, because it was the duty of a minister not to announce his intentions of altering a duty until he was prepared to bring forward a measure to effect the alteration, and to take the opinion of the House without loss of time. In making such a reduction, it would be necessary to take effectual steps for preventing Chinese tea finding its way into the ports of India, and being imported as coming from Calcutta, or they might find a great deal of Assam tea, which had never grown on British territory. The next resolution, the 6th, proposed, that inequalities of duty in any of the colonies on British and Indian produce should be removed. He thought it it was wrong, by an act of the Imperial Legislature, to create such inequalities, but he believed that the hardships suffered from them by India were not very great. In the British possessions of North America the whole produce of India was admitted duty free. The last resolution complained that the Lascars, or Indian seamen, were not treated on the same footing with what are commonly called British seamen. A ship, manned by Lascars, was not entitled to the privileges of a British vessel. This distinction was an ancient and important part of the naval policy of the country, and it was a principle which, he believed, had been recognized in all the acts of the East India Company. It was not a question of commerce, but one of national defence; and he certainly doubted whether there were any circumstances that could justify them in departing from a principle, the great object of which was to encourage our commerce, as a nursery of British seamen, who might afterwards be employed in the defence of the country in ships of war. He did not know that it was necessary to trouble the House further. He understood that the hon. Gentleman meant to move that the House resolve itself into a committee, to take into consideration the resolutions on Wednesday next. Not being prepared to adopt these resolutions, he felt it his duty to oppose the motion. Many points in the resolutions were deserving the attention of the Government, and the Government would have been bound to consider them, even if the resolutions had not been brought forward; but if the House came to a decision at present, it would be taking a leap in the dark; it was the duty of the Government and the Legislature to take care, in giving effect to any principle, however just and sound, that they did not unduly disturb existing interests, or hazard the revenue of the country; in a word in doing good, to accompany it with as little harm as possible.

Mr. *Hume* was much pleased that a question so important, not only to India, but also to this country, had at length been brought under the consideration of the House, He agreed with every one of the resolutions except that which referred to the establishment of a differential duty on tea. He thought that by establishing such a duty they would be encouraging the investment of capital in a branch of commerce which they would eventually be obliged to check. With the resolution respecting East India spirits, he perfectly concurred; but he did not understand or approve of the distinction made by the right hon. Gentleman, the President of the Board of Trade between spirits distilled from sugar and that made from rice. By excluding the latter we should be putting a check on the productions of the great island of Ceylon, in which arrack was made in large quantities. Why should they not develope the resources of that great island? With respect to tobacco, he thought that the produce of India could be admitted to this country with great benefit both to the colony and the mother country. Any person acquainted with India knew that tobacco was sold in the bazaars of that country at a penny a pound; and if a duty of 1*s*. 6*d*. a pound only, was levied, it would be imported in great quantities into this country, to the great advantage of the revenue. The same argument applied to sugar and coffee. For these reasons he should support the resolutions, and he trusted that, even if the right hon. Gentleman below him thought fit to oppose them on the present occasion, he would take the subject into his early and serious consideration.

Mr. *A. Chapman* hoped that the question would receive the serious consideration of the House. They should recollect that ever since the passing of the West India Emancipation Act, there had been a gradual decrease in West India produce, and a consequently increasing necessity for the encouragement of the cultivation of similar articles in India. The resolutions now before the House, formed, in fact, a commercial bill of rights, and, as such, he trusted, would receive the most serious attention of the House.

Mr. *Ewart* said, that the question before the House resolved itself into two points—justice and self-interest. Justice towards India, and self-interest as regarded this country. His right hon. Friend the President of the Board of Trade did not seem rightly to understand the resolutions proposed by the chairman of the India Company. The motion of that hon. Member did not seek to pledge the House to the whole of those resolutions, but merely to inquiry, and that, too at no fixed or early date. He did not think that the arguments by which his right hon. Friend justified his opposition to those resolutions were at all tenable. For instance, he did not see what distinction could be made between our territory in India, and the countries which formed our dependencies. He thought that Mysore was as much entitled to encouragement in commercial matters as Bengal, with which it was connected. The President of the Board of Trade had attempted to justify the course pursued with respect to coffee. He could not agree with him in that, for he could not see why the same rule should not be applied with respect to India as to African coffee and then more might be imported from India and less from the Brazils. Tobacco was now imported even at the high duty; *a fortiori*, more would be imported if the duty were lowered, and low duties were good because they prevented the demoralizing effects of smuggling. It would be useless for them to equalize the duties upon sugar without, at the same time, equalizing those upon rum. With respect to the question of the tea duties, he would be most sorry to see any difference made even in favour of our Indian possessions: it would be giving her a false protection, which would rapidly desert her, and he must oppose it, as it would be retrograding from the pure principles of free trade. He rejoiced to see the increasing importation of cotton from India. The cotton of India also, only required fair play to enable it completely to supply the manufacturers of this country. India was capable of producing every variety of cotten known. It produced in abundance the Sea Island, the Georgian, the New Orleans, and the Egyptian, as well as the indigenous cotton plant, in great quantities, and if permanency were given to the possessions of the Ryots, as in the case of the indigo planters, that country would be enabled to supply the increasing demand of this country. In considering that question, it was most important also to consider the question of transit. He understood that landing duties were still exacted at Madras. It would be almost useless to lower the duties unless they facilitated at the same time the transit of goods, by removing all landing duties, and greatly improving the roads in India. He also thought that a revision of the laws was necessary so as to establish the rights of the people on a plain and firm basis. Care ought also to be taken for the permanent settlement of British subjects in India, so that British skill and enterprise might assist and regulate the natural productions of the country. They would also have a rising English population ready at any time to check aggression, come from what quarter it might. In Van Diemen's Land we supplied the inhabitants to the amount of 20*l.* each per annum. In Sydney they took of our manufactures to the amount of 12*l.* each. None of our colonies took less than to the amount of 1*l.* 10*s.* per head. But our supplies to India did not average 7*d.* per head. Let them develope the resources of India, and she would make a large outlet for our manufactures. He could not withhold his consent to the House going into Committee, not pledged to the resolutions of the hon. Gentleman, but with the intention of examining and passing those that were approved of.

Sir *J. Hobhouse* said, his hon. Friend, the chairman of the Court of Directors, and the hon. Gentleman who followed him, did him no more than justice in attributing to him since his connection with the Government of India, the utmost desire, to the best of his abilities, to promote the interests of the inhabitants of India. With reference to the present subject, the Court of Directors had done him the honour to request him to support the petition that had been presented, and to give his best services to carry the prayer of the petition into effect. He thought he should best fulfil his intentions — not pledge, for he had made none—when he gave his answer to that application by asking an hon. Friend opposite and the House to adopt the course which he should propose to them. It was very true, as the hon. seconder of the motion had said, that he felt himself in the situation in which almost every President of the Board of Control must necessarily be placed, willing and anxious on the one hand to do all that could tend to the advantage of India, but on the other hand, from his position and connection with the general Government, obliged also to pay due attention to all interests contradictory or even in collision with the interests of that empire. Still, notwithstanding the difficulty of such a position, he was happy to say that her Majesty's Government, without sacrificing any general interest, were prepared to do that which would be an essential, an unmixed good to India, and which he hoped his hon. Friends opposite would agree with him to be the best and safest course that could be adopted. He need scarcely say how anxious the Government was to do every thing it properly could to promote the object of the petition, in proof of which he might refer to the fact that the petition in the other House was presented by a nobleman holding a high situation in her Majesty's Government—his noble Friend the President of the Council. It was evident, therefore, that Government had no intention to discourage this petition, or to put on one side the great and just claims of the subjects of our Indian empire. He must say, he thought the arrangements before alluded to for a committee of the other House of Parliament had been much undervalued by hon. Gentlemen who had spoken to-night, more especially when it was remembered that this committee was to be presided over by the noble Lord whom he had immediately succeeded, and whose interest and acquaintance with the affairs of India were familiar to all. With respect to the proposal made by his hon. Friend, the Chairman of the Board of Directors, that the House of Commons would be called, on Wednesday next, to affirm or deny in Committee of the whole House, all the important resolutions which he had submitted—resolutions altering the duty on so many articles, and actually changing the whole fiscal system of the country—it would be to call upon a Committee of the whole House to do that which had never before been done. No such Committee was ever called upon to give at once a decided opinion on such great and extensive changes upon a series of resolutions. He trusted his hon. Friends would see that such an attempt would be futile, and that they would not be enabled by such a mode to arrive at a wise and deliberate decision such as the great and important points in question demanded, and that a decision so made, so far from being satisfactory to the country, would appear like taking a leap in the dark, the consequences of which, in the case of failure, would never be retrieved. Nay, he thought his hon. Friend would frustrate his own views, for he would find many hon. Gentlemen friendly to his general object, who would be by no means at once prepared to affirm these various resolutions. For himself, with the exception of that on tea, he should not like to give any one of them at present a decided negative, but, he was sure, if they were submitted to a Committee of the whole House there was a great chance that many of them would meet with a negative which they might not deserve. He, therefore, thought the appointment of a select committee by far the best mode of dealing with the subject. Some observations had been made with reference to Mysore, and it was true that we had civil and military possession of that country, and that the Rajah at present was but a pensioner. But still he was compelled to come to the decision he did, and he took good care to have the best legal opinions in consequence of a fact which was not very generally known, and which hon. Gentlemen opposite, had not taken into their consideration and which compelled him to decide against the claim, viz., that we held the territory of Mysore, only in trust for the Rajah—administered it for him—that books were regularly kept, and balance sheets regularly made; and whenever the time should arrive for relinquishing that trust into the hands of the Rajah, every shilling of the revenue received by us, would be accounted for to him. His hon. Friend said, that time would never come. That he could not say. For the existing state of things, he was not responsible; and he simply mentioned the fact as it stood, and on which he was compelled to decide that Mysore was not a British possession. He did not, therefore, mean to say, that a Committee of the House of Commons, or of the House of Lords, would be prepared to say that the produce of Mysore should not be treated as coming from a British possession; but he did say it ought to be decided by reference to the state of the territory of Mysore, its juxtaposition, its resources, and many other circumstances which could not be taken into deliberate consideration in a Committee of the whole House. There were many other questions, such as taxation, &c., which could not be considered in Committee of the whole House. The course which he was prepared to propose, would, he hoped, be satisfactory to his hon. Friends, and would be considered by them as a redemption of his promise by showing that the Government were as clearly alive as themselves to the great interests at stake. He was willing that the same course of proceeding should be adopted in this as in the other House, that a select committee should be appointed to proceed *pari passu*, with the select committee appointed elsewhere, and he was willing to leave the selection of that Committee to his hon. Friend, the Chairman of the East India Board—that Committee to inquire into all the allegations contained in the petition, and all the propositions involved in the resolutions. He thought this was but just, and that it ought to meet all the reasonable wishes of hon. Gentlemen opposite. Of course, the inquiries of this committee would be confined to the petition and resolutions, and would not embrace many of those extraneous subjects which had been alluded to by his hon. Friends behind him, such, for instance, as domestic slavery in India. Still, on behalf of the Government of India, he must say, that it had not neglected those matters which had been thus alluded to. In the Bengal Government, the transit duties had been altogether abolished. In the Bombay Government, they had been entirely abolished, and with the most beneficial results; and in the Madras Government they had been partially abolished, and the Government was preparing to abolish them altogether. With regard to the cultivation of cotton in India, Lord Auckland had paid the utmost attention to this important subject, and in consequence of the information received from several deputations, and in coincidence with the enlightened views of the Court of Directors, Government had at this moment, not in operation, but in preparation, an experiment which would be of the utmost value to the cultivation of cotton there. Every information had been obtained from America. A most admirable minute had been drawn up by the Governor-general of India, which had already been in partial circulation, having been sent to several chambers of commerce in this country, and which he felt to be so important that he should shortly lay it on the table of the House. The question of a permanent land settlement had been alluded to, and this would not be embraced in the proposed inquiry; but he took the opportunity of stating that the Governor-general had not neglected his duty in that respect. In the north-western provinces a very important, and, considering the trying circumstances of the dearth of 1837, a very successful experiment had been made—the land assessment had been moderated, and the experiment bade fair to produce the best fruits. A great improvement had also been made in the collection and amount of the salt revenue. He might also enlarge on the hopes and expectations formed from the cultivation of the tea plant; and he should also at some future day take the opportunity of observing what had been done by the Government and the Court of Directors in the improvement of steam navigation in India, a subject to which Lord Auckland had devoted the most scrupulous attention, and which opened to the view of India a future of prosperity equal to the anticipations of the most ardent imagination. He mentioned these circumstances to show that the government of India had not been neglectful of the important duties imposed upon it. As he hoped his hon. Friend opposite would accept the fair proposition he had made, he did not think it necessary to enter into any debateable subject. Indeed, between his hon. Friends of the Board of Directors and himself, there were very few debateable topics, and he saw very many propositions in that paper, the truth of which he desired to see established by Parliament in the most forcible manner. With these views, he asked his hon. Friends to consent to his proposition, as he felt assured by so doing they would best discharge their duty, not only to those whom they immediately represented, but to that far more numerous body, the one hundred millions of India whose interests were practically intrusted to their care.

Mr. *C. Buller* was anxious to follow the right hon. Gentleman, the President of the Board of Control, for a few moments, to impress upon those Gentlemen who represented the Court of Directors, the propriety of following the course he proposed. He had witnessed nothing in the House more pleasing than the Court of Directors coming forward in that House with an application for a full and free trade for those they were called to rule over, but he must confess he concurred with the right hon. Gentleman in thinking that the form in which the Court of Directors proposed it, was one imposing on the House too precipitate a discussion on a subject of such importance, for till this petition was presented to the House, neither the House nor the country had any notice of the course the Court of Directors were prepared to take; they were prepared to expect from them what could be expected from an enlarged policy, but not for the particular step adopted. What they called for was a Committee of the whole House to inquire into what was rightly denominated an entire change in the fiscal system of the country. He should have great difficulty in bringing himself to vote either way on the proposal before the House. He concurred, as he had before said, in the principal of free trade, and that they should not distinguish between East and West Indian produce. But he had heard no argument against the principal of the great demand made by his hon. Friend on his side of the House—nothing against the equalization of the duties on sugar and cotton. He must advert to the argument of the hon. Member for Kilkenny, and begged the House to recollect the important consideration he had mentioned, that they were applying the principal of free trade to India, and had brought capital and English manufactures into the market, and had driven the native out of it, and had imported manufactured calicoes into India, and refused to apply the principle of free trade to goods imported from India. This was a monstrous injustice, and when he thought of the hardships which every measure of free trade must have inflicted upon those whom it deprived of bread by the competition with British artists, he thought we should give the natives all the protection free trade would confer. Then he had heard no valid objection to an equalization of the duty on goods imported from British India, but all these were matters of detail, and they did not object to the principle of admitting rum from India on the same principle as from the West Indies, but urged that they should admit other spirits, which would have an important effect on the distillers of the country. Now he thought the course proposed by the right hon. Baronet was the right one, to appoint a committee to inquire into the circumstances of the case. Then take the resolution respecting tobacco, the taxation on tobacco was not protection or restriction, but one for the sake of revenue. He understood that tobacco from the West Indies, being little in quantity, we had been able to allow a smaller duty on that than on foreign tobacco. Now the Board of Directors required not that the duty should be equalised on all tobacco, but on that of the East and West Indies—the effect of which would be, that East India tobacco would displace Virginian. This was not a mere question of finance, and he could not consent to give up a twelfth of the duty. He thought the subject of the Lascars navigating British vessels should be referred to the committee; and then as to the British possessions—how could we say in the fiscal system they were British possessions, and in diplomacy that they were not? All these were difficult matters of detail, and if called upon to vote for such propositions as these, he must vote against them; but if the motion were to go into a committee, he should certainly vote for it, in the hope of carrying into effect the laudable object of the Court of Directors.

Mr. *Warburton* concurred in the advice given by the Board of Directors, but he thought, on the present debate, they were rather discussing principles than matters of detail, and he asked the House whether or not it was not lamentable that they should be discussing questions whether or not they should carry on the greatest trade possible with our greatest colonies. The question was not whether they should use the tobacco of Virginia or the East Indies, but whether, having made a vast outlay to obtain colonial empire, we should refuse to receive a return for that capital. If we succeeded in establishing a colony — there was a great boasting of the magnitude of this event—of the great armament and the extensive amount of exports necessary for a first settlement—but when we came to the question, whether or not the mother country should receive a return for this great outlay, nothing but discouragements were heard of, and they were advised not to admit the produce of this country, because it might interfere with the produce of some other colony, or that of the mother country. Was it not monstrous that they should be discussing such matters of principle when they had been so long glorifying themselves as being a great commercial country? It was a disgrace to the House of Commons that they should be debating not matters of detail, but of principle, such as, whether Mysore could be considered a British possession or not. His right hon. Friend acknowledged that he had complete civil and military possession of the country, but did not acknowledge that we could promote the growth of coffee there, and treat it as a British possession, because we were only trustees of that country. What, he asked, were the duties of trustees but to put the estate entrusted to their care in the most flourishing state they could? Now, as to matters of interpretation; did they not hold that Madras was situated in the county of Middlesex; and if so, was not Madras a British possession? He remembered reading a conversation between a British officer and Runjeet Sing, in which the officer boasted we had 20,000 men who could march from one end of India to the other. Then were we not bound to give the greatest facility to the produce of that country? What provinces in India were the worst governed? The tributary states; because they were deprived of the power of rising against their Government. Were we not bound, therefore, to relieve them by giving them an opportunity of sending their produce to this country? If, therefore, we owed a debt to that part of India, which was immediately subject to our rule, were we not bound in a greater debt to those tributary states which had suffered more than other countries in consequence of our interference? With regard to those parts of India which were subject to our rule. A great part of their commerce consisted in the remittances made by officers, residents there, to this country. These remittances were the accumulations of these officers out of the salaries which were paid them by the natives of that country. It was the duty of this country, therefore, to give the inhabitants of India every facility of making these remittances by the means of commerce. With regard to the question of allowing Lascars to be considered as British seamen, he would beg leave to refer his hon. Friend, who seemed inclined to dissent from that proposition, to the late act, by which they had been deprived of the privilege which they before possessed. It was only as lately as July 1825, that the act was passed, by which it was enacted, that natives of places within the limits of the East India Company's Charter, should not be considered as British seamen—therefore by granting the prayer of the petition, they would be only reverting to the former practice: [Sir *J. Hobhouse:* No, no:] at all events they would be returning to what had been formerly the law on that subject. He was happy to find that his hon. Friend, the Member for Whitby, who was generally in favour of the strictest measures for the protection of British navigation, did not object to that proposal. Such a measure would be for the encouragement of the interests of British navigation. The number of ships trading to India would be increased, and the British ship-owner would receive the benefit of the provision. It might cause some diminution in the wages of the seamen, but the ship-owner would benefit by it, the trading interest would benefit by it, and the whole empire would benefit by it. He agreed with his hon. Friend in objecting to that part of the resolution in which the directors sought for the benefit of a differential duty between tea, the produce of Assam, and tea the produce of China, and between tobacco the produce of India, and that the produce of the United States. He thought the petitioning for such a protection was directly contrary to all the principles by which it was sought to recommend the present case, and he was sorry to see such questionable principles mixed up with principles which were so worthy of support. With regard to the duty on spirits, he thought it would be wise in the Directors to make common cause with the West India interest, and claim a just reduction of those duties as compared with the duties levied on British spirits. This was not the first time that the subject of a free trade with India had been made a subject of debate in that House. Hardly a year had passed, of late, in which many hon. Members had not contended that the time had arrived when these differential duties ought to be abandoned; therefore the right hon. President of the Board of Control ought not to contend that the House had been taken by surprise. [Sir *J. C. Hobhouse*: Not so.] He had understood the right hon. Gentleman so to say; but if that were not the case, one of his arguments against the Court of Directors had been cut from under his feet. He had understood the right hon. Gentleman to say, that the House was taken by surprise by this proposition of the Court of Directors. The case might be new as to some of the details, but, as far as the principle of the question went, namely, that of putting the commerce with the East Indies on the same footing as the commerce with the West Indies, the matter had been debated again and again in that House, and therefore it could not be said that they had been taken by surprise. He hoped the hon. Gentleman would accede to the proposition of the right hon. President of the Board of Control, that the committee would go into the investigation as speedily as possible, and that they would not be too long in bringing it to a conclusion, but make a report, so that the House might, during the present Session, be made acquainted with the result of their inquiries, so as to lead to the adoption of some practical measure before the close of the Session.

Sir *R. Jenkins*, after the offer made by the right hon. Gentleman opposite, could not refuse to accede to his proposition. He hoped, with the hon. Gentleman who had last spoken, that the committee would come to a quick decision, and he would say the only ground why he had proposed to bring this question before a Committee of the whole House was, because he feared, if he had moved for a Select Committee, it would have appeared like a desire for deferring redress.

Original motion withdrawn, petition to be referred to a Select Committee, to be nominated on a future day.

COMMERCE WITH TURKEY.] Mr. *Hume* said, that the House would recollect that during the last Session there had been laid on the Table a copy of a treaty of commerce with the Sultan. No one could be more anxious than he was for the increase of our commercial connection—every new market that was opened improved the prosperity of the country—but this treaty, he understood, when applied to the provinces which had formerly constituted part of the Ottoman empire, was more likely to impede commerce than to forward it. Before that treaty, British goods exported to, or imported from Turkey, were liable to a duty of three per cent. In Turkey Proper there were various abuses and monopolies, and certain internal duties were, in consequence, imposed, amounting in some instances to 30 per cent. These were, by this treaty, done away with, and a fixed duty of nine per cent. imposed, making 12 per cent., the outside charge that could be levied on British merchandise. This, which was a benefit on Turkey Proper, was otherwise in Syria, Egypt, and other parts where these abuses did not previously exist, inasmuch as England by acceding to the treaty, was liable to a duty of 12 per cent. while Russia which had refused to accede to it, was subject only to a duty of 3 per cent. His object in bringing forward this motion was to ascertain from the noble Lord what was the actual state of the case. France, Austria, and Sweden, had agreed to this Convention, but Russia had not; and England could not be considered upon the same footing as the most favoured nations, while Russian subjects paid a duty of three per cent., and British subjects paid one of 12 per cent. He would conclude by moving for copies of any correspondence with the Foreign Office, or the British authority in the Levant, as to the continuance of monopolies agreed to be abolished by the Treaty of Commerce with the Porte; and of any representations made as to the increased duties levied by the said Treaty of Commerce in the provinces of the Danube, or in Egypt and Syria. A comparative statement or return of the rate of duties levied in the Turkish empire, on articles exported and imported by British and Russian subjects, under the new treaty, and under the old one. Return of the rate of duties levied on imports from, and of exports to, Great Britain in Turkey Proper, and in the Turkish provinces of the Danube, and in Syria and Egypt, previously to, and since the late Treaty of Commerce with the Porte.

Viscount *Palmerston* said, that it was not his intention to object to the production of the papers that had been called for. At the same time he begged to say in explanation, that there might be some difficulty in furnishing all the information that had been required. The treaty had led to great changes in the commerce of Turkey, and it might be difficult to furnish the amount of the duties levied under it as compared to former times. There had been different degrees of advantages produced by it to the different provinces of Turkey, and some doubts might arise as to whether it would be for the benefit of Turkey or of British commerce that the treaty should apply to the provinces of the Danube. It was quite clear, however, that if it should not be found advantageous to either, there could be no difficulty on either side in not applying it in those parts. The treaty would effect a great change in the trade of Turkey, and some time must elapse before it could be brought fully into operation. That time had not yet come, but as soon as it should arrive he would give the House all the information he should possess on the subject.—Motion agreed to.

BUSINESS OF THE HOUSE.] Lord *J. Russell:* Sir, the motion I have to make is to enable the House to proceed with the bills before it after the 1st of June next, so as to obviate the reproach cast upon us that we send measures up to the other House of Parliament when there are no Members in town to consider them sufficiently. Many bills to which this House paid a great deal of attention have been postponed from session to session on that ground. Mondays and Fridays would be occupied in supply by the government, and Tuesday would be, therefore, necessary to be added for the purposes of furthering the bills before the House. Under these circumstances I move, "That after the 1st day of June next, orders of the day take precedence of notices of motions on Thursdays."

Sir *R. Peel*—Sir, I am not at all disposed to throw any difficulty in the way of the noble Lord if on any occasion he shows a special cause to call for the motion he now proposes; but to make such a motion at the present period of the session, without such cause shown, is, I think, to begin rather too early. I can easily see what it will end in. If this motion be agreed to now it will form a precedent to regulate the business of the House in all future sessions, and thus hon. Members will be deprived of an opportunity of bringing forward measures which may be necessary in their estimation for the good of the country. As I have said, on special circumstances being shown, nothing whatever should prevent my acceding to the motion; but they have not; and the noble Lord, in a speech of less than three minutes, calls on us to relinquish a portion of our rights without reason assigned for so doing. At this early period, the 25th of February, I think the House can hardly decide what may come before it, and therefore I think it should not be asked to agree to such a proposition. There will, in my opinion, be a great advantage derived to the House if the noble Lord postpones his motion to a later period of the Session, when we shall be in a position to form a better judgment on the subject it involves. But, as I have said, to adopt it now would be to establish a precedent for future times, and that which is proposed for June this year, may be proposed for May next year, and so on for every year after in a decreasing ratio. Under these circumstances, I think the noble Lord should at least wait a little longer, until he sees what course the business of the House will take, before he brings on this motion.

Mr. *Hume* said, the motion of last year had taken him by surprise, and he hoped that the noble Lord would be satisfied with putting the present as a notice. If he did so it would serve all the purposes of Members and the Government, giving the former the opportunity of bringing on their motions in due time, and enabling the latter to go on with the business of the country.

Lord *John Russell* as it occurred to me that no hon. Member would bring forward any motion after the 1st of June, I did not consider that it would at all interfere with their rights. The right hon. Baronet had said, that no special circumstances were shown, and that I should wait till such arose; but the right hon. Baronet knows as well as I that they may arise and do arise every day. It is quite a common thing on going into the business of the country for hon. Members to bring forward motions which last two or three hours, and then to deprive the Government practically of the power to proceed with it by occupying so much time. For six weeks an hour and a-half a-day has been the average which the Government have had for the business of the country. I do not agree with the right hon. Gentleman, that if this motion be adopted, it will form a precedent for future years; nor do I think that the encroachments which he suggests will ever take place. I must say, however, that something to remedy the present state of things is much needed; and I think, that the objections of the other House, though I regret the loss of measures which have passed this House, are reasonable, on the ground of sitting for months without getting any bills from this. It is for that reason I proposed this resolution. But if it be considered better that I should postpone it until before the rising of the House at Easter, I can have no objection to bring it forward then in preference to pressing it now.

Sir *Robert Peel*—This is a question entirely affecting the independence of the House of Commons, and we should not under any circumstances agree to it on light grounds. A Member may have a motion calling in question the conduct of the Government, yet by the motion he will have the chance of bringing it forward greatly diminished, while the Government will derive in the same degree additional impunity. I can, as I have stated, conceive that special circumstances may make it advisable to allow only one day a-week for motions, but those circumstances have not been shown in the present case; and in any case the House should be extremely cautious how it adopted such a resolution as that proposed by the noble Lord. I am, however, glad that the noble Lord has adopted my suggestion with respect to postponement, and I would advise the noble Lord further, not to bring it forward at any time when, by possibility, any hon. Member may have it in his power to say that it would intercept his motion. The chief ground of my my objection to it, however, is, as I have stated, the fear lest it should be drawn into a precedent, and the House of Commons deprived of a right on the ground of a temporary convenience.

Motion withdrawn.

REGISTRATION OF VOTERS—(IRELAND.] Lord *Stanley* having been called on by the Speaker, rose to bring forward his motion for leave to introduce "a bill to amend the laws relating to the registration of voters in Ireland." He said, although he had no reason to apprehend that any opposition would be made to the proposition which he was about to submit to the House, and which had already been conceded by Gentleman on that side of the House, of a plan for the removal of great and acknowledged abuses in the system of the registration of Parliamentary electors in Ireland, yet the subject was one of such great importance, that he considered it due to the subject itself, and more respectful to the House, if he ventured to beg for their indulgence while, as shortly as he could, consistently with the object he had in view, he stated the main objects which he proposed to accomplish, and the objects to which alone his motion was intended to be confined. And in the first place, they would allow him to assure the House that his first grand object was, if it were possible, that this question should be discussed in the House without any reference whatever to party feeling. It had been his fate to be so much mixed up with political discussions, and discussions connected with Ireland, that if he had followed the dictates of his own judgment he had much rather that the question had been brought forward by any other Member than himself, lest the circumstance of his bringing it forward might tend to controversy or excited feeling, which he was most sincerely anxious to avoid. But in bringing the question forward he was merely fulfilling a pledge which he might be supposed to have given when, as the organ of Lord Grey's administration, he stated the grounds on which at that time they did not contemplate any alteration in the system of Irish registration. He begged the House to believe that he had not entered on this question of details with reference to any party interests in the country at large. He was perfectly aware that a motion brought forward by any hon. Member on that side of the House, on such a question, must rest its only chance of being carried by being capable of supporting the test of fair criticism, and by proof of the fairness with which the principle could be carried out. The English and Irish Reform Bills were, in many respects, very different from one another. In the English Reform Bill there was a total abolition of the franchise in many of the towns; that part of the question which related to Ireland had been dealt with at the period of the union, and in the Irish Reform Bill there was no disfranchising clause. The English Reform Bill diminished the total number of English representatives thirteen. Again, with regard to the freehold tenure, the English Reform Bill was partly occupied in restricting the freehold tenure of the 40*s.* freeholders. A bill, which passed the House a few years before the Irish Reform Bill. abolished the 40*s.* freeholders in Ireland, and there had been no alteration with regard to the freeholders in the Irish Reform Bill. The English and Irish Reform Bills proceeded in both countries on the same principle; but with regard to leasehold tenure in counties, the Irish Reform Bill gave the qualification for a shorter term and for a less interest than the corresponding provision in the English bill. Again, a great portion of the English bill was occupied with alterations which no doubt in England worked very beneficially—he meant the provisions for shortening the duration of elections, and for taking the poll at many places instead of at one place, in counties. But on both sides of the House great doubts prevailed at that time, and very great doubts at this time, as to how far it would or not be prudent to adopt the same principle with regard to Ireland. Then, lastly, with regard to the registration in England, there had existed previous to the English Reform Bill, no system of registration whatever; it was, therefore, quite free for the English Legislature to take what course they pleased, unfettered by any precedent, and to make a great, and he believed, he might say, a successful experiment, in introducing a wholly new system of registration. But in Ireland it was different; a law of registration as regarded freehold tenures, had existed in Ireland for many years, resting on a statute dating so far back as the 35th of George 3rd., and on statutes subsequently passed. Under these circumstances, he need not remind the House, that it was thought better to watch the progress of these registrations, and not in the country in which they had a registration—to introduce a wholly new system till they saw how that system worked in England. But, at the same time, it was announced by Lord Grey's Government, that they would watch that great experiment, and if it was found to work advantageously in England, then that it was their wish to apply so much of it as was found practicable to Ireland. He hoped he should not unnecessarily trouble the House if he ventured to submit to it as shortly as he could, the main differences between the law as it stood in England and in Ireland with regard to the system of registration; and he would, in the first place, say, that the measure which he proposed to introduce to the House, he proposed to confine to registration, and to registration only. He did not propose to deal in any manner with the elective franchise; he did not propose to call for any opinion on the subject of those disputed points of law, the attempt to settle which in that House, would only tend to one result—namely, to prevent the passing of a bill to correct the abuses which existed. He did not intend to introduce any provision with regard to taking the poll at elections; his bill would be confined to registration for elections solely, leaving the other points to the consideration of the House on other future occasions. Now, he need hardly tell the House, that in England the registration, or revision of voters, occurred annually, before barristers selected by the judges of assize, making the circuit where they were appointed to register; these fixed the places and the times of holding their sessions, and called on the parties wishing to enfranchise to appear before them at certain times and places, and in certain districts where they purposed to hold their sessions. He need not say, that in counties it was necessary for a person wishing to appear for the first time in the register of voters, to send a notice of his claim to the overseer of the parish, and with this exception, the registration in counties and boroughs differed so little, that he might deal with both together. The period, then, at which the overseers of the towns, from their knowledge of the qualifications of the rate-payers within the towns, and the clerks of the peace, of the lists sent in of claims, through the overseer of the parish to the clerk of the peace of the county, were required to publish a list, was by the 31st of July; and that published list was required to be posted on the church door of the parish in which the voter sought to register; and the list so posted remained to public exhibition from the 31st of July to the 25th of August, and the overseer had the duty imposed on him, not of striking out any name, or inserting any name given to him, but of setting against any name, the simple words, "objected to," those simple words, obliging the party to substantiate his right to vote before the revising barrister. The list of objections, again, was appointed to be furnished to the overseer; and the list of objections and persons claiming to vote wrongfully left out, were required to be separately published two Sundays before the 15th of September, and the Session could not commence at an earlier period than the 15th of September, nor later than the 25th of October. He knew that all this would be very familiar to Englishmen, but he wished the difference to be seen between this law and the registration law of Ireland. The registry of voters in Ireland, he need hardly say, was not annual, but it was quarterly. The session for the registration of voters was not held before a barrister, appointed by a judge to go a circuit through the country, but before assistant barristers of the country permanent officers, as a part of the quarter session duty in each quarter session town, and nowhere else. The claims must be sent in, not as in England, in a period of twelve weeks, but in twenty days previous to the period of registry, that period of registry occurring four times a year. The clerk of the peace was called on to make out a list, which he did, not circulating it in the parish where the claim appeared, but making the list out for a whole county or a whole town, which he was required to post in some conspicuous place in the county or town. Thus, while in England a voter had twenty-five days, from the 31st of July to the 25th of August, to examine the list of voters and claimants in his own immediate neighbourhood and object or not to their right to vote, to the objector in Ireland a period was given of ten days to wade through the whole county list, and to examine if in that list there might be any one person in any part of the county against whom he wished to press an objection. He (Lord Stanley) wished to state the two systems without observation on one or the other. In England the voter who had no objection made against his claim was not required to appear in any way before the revising barrister, but in the absence of objection against him, his vote was allowed to be good, and for one year he remained on the list of voters; but if objected to, he was required to prove his title. In Ireland the law was more stringent on electors, because, whether objected to or not, with the single exception of 50*l.* freeholders, to which he would presently allude, an elector seeking for the first time to qualify, was obliged to produce the lease by which he held, and the words of the act were, "by his oath or otherwise to prove the title by which he claims to vote." It was right to say, that as in England the notices were served in the parish to which the voter belonged, so the revising barrister fixed the place at which each voter should appear to make good his claim; and consequently all parties could have no difficulty in knowing at what place and at what time the objections that were to be urged must be urged, and where the vote, if it was to be admitted, must be admitted. But, in Ireland, the voter had not only the opportunity of registering at all Quarter Sessions, but in any part of the county, without reference to where he might be situate. Let them take the case of a rich person, conscious of some flaw in his title, or of a person supported by rich friends; they gave notice twenty days before he intended to register his vote; the claimant made his appearance at a part of the county fifty or sixty miles from the place at which he himself resided; and to a certain extent he might drag the objector after him from quarter session to quarter session, and having failed in one, two, three, four sessions in the course of the year, he may get on the list by wearying out his objector. And what was the result if he got on the register? In England, if a person got on the register and was objected to, in the following year he was called on to come forward and substantiate his claim; not placing the onus of proof on the objector; but if he was objected to, that voter had to come up to the revising barrister's court to prove his title, that he had a right to be placed on the list of voters. He did not say that that was not a subject of vexation; he thought it was. But, if a person got on the register in England improperly, he might, upon objection, be struck off the following year. But, in Ireland, if a person got on the list, he proved his title by affidavit, which affidavit was registered by the clerk of the peace on the records of the county. The claimant then received a certificate from the clerk of the peace, which allowed him to tender his vote at every election for eight years, without examination. These certificates, if some of the decisions of the assistant-barristers were correct, extended not only to a period of eight years, for he understood that it was held in Ireland, that the production of a certificate granted in the year 1832, not by the party himself, but by some persons whom he deputed to bring it into court, was *primâ facie* evidence of his title to another certificate to vote till the year 1848. The certificates, therefore, were almost in the nature of Exchequer-bills; they were renewable and transferable, and there was nothing to prevent the person who renewed from handing over the old certificates to others for the purpose of using them to procure fictitious votes; or in the event of the death of the voter, nothing more was necessary than to obtain the possession of the certificate, and making oath of identity, for that was the only question put on the occasion, except when the validity of the vote was tried by the Upper House, and on certain proceedings, on a petition before a Parliamentary committee. By a multitude of those fraudulent votes returns might be made to that House, and whether the party in whose name the certificate was first taken out was alive or not, his name was still available, as having been entered on the register. It was a question of great doubt, and he believed various opinions obtained upon it, whether the House had the power to alter the registering, once being made; and when, in case of a petition, numbers of such votes should be stricken off on either side, and the election declared void, these said voters might again present themselves at the ensuing election, without the possibility of their votes being objected to by the returning officer. He had heard it said, that an hon. and learned Gentleman opposite had expressed regret, that he should propose to bring this measure before the

House for argument or discussion; but of all the hon. Members in that House, he most wondered that regret on the subject should be expressed by that hon. and learned Gentleman, for reasons which he (Lord Stanley) would show as he proceeded. But to go on with the observations with which he was about to preface the measure which he intended to lay before the House. As the registration at present stood in Ireland, those who registered in 1832 were entitled to receive new certificates for the five succeeding years. Now, this renewal did not cancel the first certificate, nor in making it was there any affidavit required, but the party could go on for five successive years obtaining certificates as if for five distinct persons, each of which might be tendered at the poll, there being no possibility of investigating their validity except by a Committee of the House of Commons. A single individual having possession of the qualification with but six months occupation, might, in the course of seven years and a half procure from that single property no less than fifteen certificates. He did not mean to say that such cases were of common occurrence. [Mr. *O'Connell*—show one.] That would be exceedingly difficult. How could he show the existence of abuses, to the probability of which he was then calling the attention of the House? He was showing that the present system was liable to gross abuses, and he challenged hon. Members to show to the contrary. For his own part, he had no doubt that in many cases the property which furnished the qualification had furnished two or three individuals with certificates of registration. No provision was made for cancelling old certificates, and the consequence was, that county registries in particular were mere masses of absurdities and confusion, from which it would be almost impossible to ascertain who were, or who were not, the *bonâ fide* electors. The hon. and learned Member for Dublin had himself, some little time ago, moved for returns, stating the number of electors for Dublin, with a view, no doubt, to show the smallness of their amount. He was of opinion, that these returns would prove even to a greater extent than the hon. Gentleman wished, the confusion which existed in the registries in consequence of the want of a power to expunge the names of those persons whose right had ceased, but who still claimed to be upon them. He had said in the outset, that he would avoid all irritating and unpleasant topics, and this, he conceived, he had fully done, while he had shown the liability to abuse in the existing law. He would not go into the evidence taken before the committee on fictitious votes in Ireland to make out his case—he would not impugn the decisions made by the barristers, nor would he say that an extensive system of fraud had been carried on; but he would say, that the present law held out a temptation for the commission of perjury, without any dread of detection, or without a possibility of asserting who were, or who were not, the *bonâ fide* electors either in towns, cities, or counties. The abuses had been acknowledged over and over again. There was no doubt as to the facilities of fraud which had been afforded, nor as to the fact that those facilities had been taken advantage of. The first person who noticed this state of the law was the hon. and learned Member, who now expressed his surprise that he (Lord Stanley) should bring the subject under the consideration of the House. In April, 1835, the hon. and learned Gentleman gave notice of a bill to consolidate and amend the law of election in Ireland, and to assimilate the system of taking the poll to that which existed in this country. Though this notice appeared on the books for some time, no steps were taken to carry it into effect. Another bill having the same object was introduced into the House by Messrs. O'Loghlin and Perrin, on August 11th of the same year. That bill went through all the stages, and having passed through a committee on the 19th of the same month, it was sent up on the 29th to the other House. In that discussion the hon. and learned Member for Dublin admitted that the introduction of some measure would not only be beneficial but necessary. Now, it was strange that hon. and learned Gentlemen should deem a measure of this sort not only beneficial, but essential, in 1835, and yet in 1840 that he should express any surprise that it was actually taken up by another Member for the purpose of legislation. In 1836 his noble Friend opposite, Lord J. Russell, and the then Attorney-general, Mr. O'Loghlin, brought in a measure of the same nature; that measure was read a second time without any debate; yet, notwithstanding this, it was postponed from day to day to the close of the Session. In 1838 the hon. Member for Limerick announced his intention of bringing in a similar measure, but Mr. Woulfe, the then Attorney-general for Ireland, having expressed his intention of taking up the subject, the hon. Gentleman expressed his pleasure that it should be in such hands. The bill was brought in, it was printed, it was read successfully a second time; yet this measure was also postponed, and not an individual in the House took up the question until the hon. and learned Member for Bandon expressed his intention of bringing in a bill upon the subject. Last year again the hon. Member for Limerick brought in a bill, in the greater part of which he concurred. But that bill had also been abandoned, he knew not why. He only knew that it had not proceeded beyond the mere printing. The House had concurred generally in all the main features of that bill. There had been no objection to it from either side of the House; there had been no division; yet up to the present time, though all admitted the abuse, and all acknowledged that a remedy was necessary, the question was left exactly in the same state. Such a course of proceeding was not creditable to the House, and he had therefore endeavoured, as far as in him lay, to bring forward a measure which he hoped would obtain the favourable sanction of both sides of the House, which he was resolved, as far as he was concerned, should suffer neither delay, nor postponement—a measure which he hoped would gain a candid hearing, and a fair discussion, and before the end of the Session, become the law of the land. The nature of this measure he would endeavour to state to the House as briefly as possible. In it he had endeavoured to follow up the provison of those other bills, which seemed to have met with the universal consent of the House. In the first place, he proposed to make the registration annual instead of quarterly. There was one point, however, which he wished to impress strongly upon the House,—namely, that it was not his intention to deal in any way with the franchise. By the English bill it was required that the occupation should be for twelve months, and then the elector was qualified to vote at once. The law in Ireland required but six months' occupancy previous to the registration, but the elector could not vote for six months afterwards. Now, upon this point there must be some change. It had been argued, and with some plausibility, that the establishment of the English principle of annual registration in Ireland would not place the English and the Irish elector on the same footing, because of the different length of time in the previous occupancy of each. It was possible that a tenant in England, coming into occupation in November or September, not being able to show a twelvemonth's occupancy, would practically be deprived of the privilege of voting for twenty-one or twenty-two months, whilst in Ireland no such delay would take place. He hoped that this would be considered an indication of the fair manner in which it was intended by this bill to deal with Ireland. For while it put that country on the same footing as England, with respect to the form of registration, without at all contracting the franchise, still he could not concur in a suggestion which had been made for continuing the six months' occupancy as a qualification, and fixing no period after the registration as that at which the elector should become entitled to his vote. He thought he had devised a means of solving this difficulty, and of placing the voter in a better position than that in which he at present stood; it was this—although making the registration annual, he would still introduce a provision, requiring that the person claiming to be registered should prove six months occupancy, and then that if the registering barrister placed the name upon the list, his title to the franchise should not be postponed beyond a period of occupancy which would in the whole amount to the twelve months. He would make this provision by means of a single clause, and carry it out by the insertion of a column in the registry showing the date of the registration, together with the date of the occupancy. With respect to the revising barrister, it had on a former occasion been proposed that the appointment of that officer should be vested in the Government of the day. To this he objected, on the ground that such appointment might possibly be used for political purposes, especially previously to a contested election, when barristers thus appointed would have a power of nominating subordinates to act for them. Now, the assistant-barristers did this duty in Ireland, and he could not see any reason why they could not perform annually that same duty which they at present performed quarterly. He had no doubt that the duty would be fairly performed, whether those officers were appointed by one party in that House, or by the other. The best security for their impartiality was, that they would be acting in the face of the country in which they were known, and under the eye of the public, by whom their conduct would be scrutinized. He should therefore feel the same confidence whether these persons were taken from the ranks of their political opponents, or appointed by the friends who surrounded them. He would not, as was formerly proposed by the now Chief Baron of Ireland, agree to the plan of having the revising barristers varying in their circuits from time to time. Such a course would be calculated to produce great uncertainty in the decisions with respect to claims. It would be much better that they should preside permanently in the same courts and in the same counties, subject to an appeal, a provision for which was made in a subsequent part of the bill. By adopting this plan uniformity of decision would be more likely to be secured, for if it appeared that a great number of appeals were made from one county, and a variety of decisions come to by one barrister, these appeals and decisions would afford an admirable check. He admitted that there ought to be an appeal from these decisions, and he thought the best mode of appeal was that which had been proposed in the bill brought in on a former occasion by Messrs. O'Loghlin and Perrin. It would not be right to subject such appeals either to a subordinate or a coordinate authority, but rather to vest the power of deciding them in the judges of the land at the ensuing assizes, and to allow of an appeal both *pro* and *con*. As there was not in Ireland overseers to post up the notices, that duty should be thrown on the clerks of the peace for towns and counties, they being required to specify the names and parishes of the persons claiming, and to make out local lists, as was the case in England. It was necessary, however, that this should be done at an earlier period than that at which it was now done here, so as not to protract the time into October, and thus to interfere with the other duties which the assistant-barrister had to perform at the quarter sessions. The power of appointing the place and time of registration should, as in England, be vested in the barrister, he taking care to hold different sessions in different districts, to accommodate the persons residing in the neighbourhood and parishes. As a check upon the list made by the barrister, he would introduce a condition similar to that in the English bill, which allowed of an appeal to the Lord-lieutenant on a memorial. This, to be sure, was a minor detail, but as the spirit of the bill depended in a great measure upon its detail, he felt warranted in pressing upon the time of the House for the purpose of making its provisions clearly understood. It was supposed that persons possessed of the 50*l.* freehold franchise would not abuse the privilege they possessed of coming before a court of assize and establishing their claims without liability to objection then or thereafter. He did not say that persons possessed of this qualification would abuse that power, but might it not happen that many persons, not only not possessing this qualification, but absolutely not possessing a penny, might avail themselves of that provision, and swear to that qualification, for the purpose of procuring a certificate, and tendering their votes? He did not propose to take away their exemption, but he would require that copies of the registrations of such persons should be left at the office of the clerk of the peace, and thus made as open to objections as those of the very humblest classes of the community. After this, his bill proposed to do away with the whole existing system of certificates—a system productive of fraud, perjury, and confusion. The bill further proposed to vest a power in the revising barrister of visiting with moderate costs those parties who came forward either with frivolous claims or frivolous objections, and also a provision giving to the judge of assize a discretionary and an unlimited power with respect to costs. Then with respect to persons who had already established their claims, should they, as was the case in England, permit objections to be made to such persons year after year; that was found to be a great hardship in this country, but it would be still more severely felt in Ireland, where preliminary inquiry was more strict. What he proposed to do in this case was, that where an objection was made, the *onus* of proving it should be thrown upon the person who impugned the vote, and he should be subjected to the liability of substantiating his own case, or else be subjected to the penalty. But, on the other hand, the bill would require that the party claiming to vote in the first instance should send the particulars of his lease, the date in which he registered for the amount of the property in that lease, the period at which the lease was to expire; or, if the lease should be for lives, the names of the parties mentioned in it. This, he thought, was but fair, when the *onus* of proof was thrown upon the objector, for either the lease might expire, or the lives might fall out, yet the same man might remain the tenant at will of the same landlord; and thus a person making a valid objection might find it difficult, if not impossible, to establish it by proof. Then, again, there was another question. Should there be any limitations as to the nature of these objections, and, in case of one being renewed, should the proof be confined entirely to new matter? Looking to the restriction by which the objector was already bound, seeing that the *onus* of proof would be thrown upon him, and that, in the event of failure, he would be liable to moderate costs before the revising barrister, and to unlimited costs before the judge of assize, it did not appear to him to be just that the evidence should be restricted to that which occurred since the last objection had been taken. For if it could be proved that the franchise had, in the first instance, been fraudulently procured, it certainly ought not to be continued on these grounds, the law being at present bad enough, as it secured the enjoyment of such fraudulent votes for eight years. If, as the bill proposed, the registration was to be for life, and if at the same time the objector were to be debarred from offering proof that it had been fraudulently acquired in the first instance, a great hardship would be inflicted in rendering him liable to a penalty. It would be very hard to have the fraud made evident, and admit at the same time that the bill provided no possible remedy for its correction. Mr. O'Loghlin, who was the first to introduce the subject of limitation, seemed to entertain a doubt upon this point, and he had introduced a provision which he hoped would obviate the objection. He first proposed to make an annual registration, which would be good and final against any decision by a committee, but at the same time he proposed not to check an objector from going into matter connected with the claim before the last registry. He, however, would make the last registry final as regarded the committee, and thus avoid the annoyance and the expense, which were so little creditable to that House. There was yet another question to be considered—namely, how were they to deal with the existing registration? He thought he could fairly assume that the existing registries abounded with fictitious votes—of that there could be no doubt. They certainly contained many names which had no existence whatever. It had been said by many persons, why not altogether sweep away the old registries? But it struck him that the doing so would be a very great hardship to those who had already, at no little trouble, established their right to the franchise. It would be very hard to tell a man who, two or three years ago, had had the *onus* thrown upon him of proving his title, that he must take all the trouble over again; for this reason, then, he would not sweep away the existing registry. A remedy had been suggested in continuing the present certificates for the period they had yet to run, and that would, perhaps, to a certain extent, be doing justice as far as regarded individuals, but would it prevent the fraud, the perjury, and the confusion which were likely to take place before the eight years were expired? The course, then, which he proposed to take was this—to place the existing registry as it now stood on the same footing as that in which it would stand under the proposed bill next year, if the bill should pass into a law, but liable to the same objections as if the claim had to be substantiated under the new act. He had now stated, and he hoped he had done so without acrimony or party feeling, the main features of the measure which he was about to propose to the House. He was prepared either now, or at any future period, to listen to and discuss, with a view to making the measure more perfect, any suggestion or argument coming either from one side of the House or the other; and he could assure hon. Gentlemen that any argument or criticism which bore on the correction of the abuses which he sought to do away with, be they given in public or in private, by those opposite, or by those around him, should meet with respectful consideration, Viscount *Morpeth* admitted that the noble Lord had truly stated the history of the several steps which had been taken with regard to this subject since 1835, when the present Master of the Rolls for Ireland introduced a bill, which having passed through that House was sent up to the House of Lords, and was there, after a brief consideration, rejected. Another bill, which was very nearly the same in its provisions, was introduced into that House in 1836. It was true it had not gone through many stages there, but the Government had no reason to believe that its fate would be different to that of its predecessor, and they were also aware that if they persisted in forcing it on, they would expose themselves to the accusation which had been so frequently made from the opposite side, that it was a mockery of legislation to press on measures which they knew would be rejected elsewhere. From those considerations, the bill was abandoned. In 1838, the present Irish Chief Baron, then Attorney-general for Ireland, introduced another bill, with some slight difference in the provisions; that bill had not been carried through the House, but enough had been done to show that there was no chance of both sides agreeing to such a measure as would be calculated to conciliate the favour of the other House of Parliament, and that if they continued to urge it, they would be liable to the same imputation which he had already mentioned. It was clear, too, that that feeling was not confined to his (Lord Morpeth's) side of the House, for the hon. and learned Member for Bandon had in the same year obtained leave to introduce another bill, which he, however, did not carry through, though it proceeded to the last stage, and was recommitted for the purpose of being printed. In 1839 the hon. and learned Gentleman again gave notice of a motion for leave to introduce a bill upon this subject, and he (Lord Morpeth) naturally expected to find it the same as that which had previously been re-committed for the purpose of re-printing. The hon. and learned Gentleman, however, had not proceeded, probably because he felt that to carry any measure of amendment, however, desirable, would not prove an easy task. Since the accession of the present Government measures had been introduced during every session for the purpose of improving the system of registration; but though they involved far slighter changes than that of the hon. and learned Member for Bandon, it was obvious that the two Houses were never likely to agree upon them. Seeing, then, the difficulty of introducing any measure likely to gain the joint assent of the two parties in that House, or of both Houses of Parliament, and as a plan for amending the registrations in England and Scotland was at present under the consideration of the Government, it was thought more advisable to wait, with a view, if possible, of bringing the three countries under one joint and united plan; and that the case as regarded Ireland could be far better considered and discussed after the valuation which would take place under the New Poor Law. Taking all these points into consideration, it was thought advisable to suspend the introduction of any measure, with a view to insure soundness and permanence in whatever bill should be brought in. The noble Lord, however, would appear as if he were desirous of merging his character of obstructer in that of constructor on the present occasion by this attempt at solving the difficulties with which the question was beset. Whether the noble Lord might not feel that he had some scores to pay off upon the present constituent body of Ireland, was a matter which would be best considered when the House had an opportunity of deliberately weighing the provisions of his bill as he had developed it, and developed it, he must say, very fairly and candidly, and of seeing the manner in which he worked out its details, which of course could only be when the printed bill was in the hands of Members. Until that time, reserving whatever opinion he might hereafter have to express upon the provisions, the scope, and the tendency of the noble Lord's measure, he should have been content to say nothing upon the subject upon the present occasion, but for one consideration to which he wished to advert. It might be in the recollection of the House that in the course of last session his hon. and learned Friend the Member for Dublin brought forward a measure for assimilating the franchise of the people of Ireland to that enjoyed by the constituency of England. Now, his hon. and learned Friend, besides proposing measures for assimilating and identifying the electoral rights of the people of both countries to the general principle of which the present

Government had always been favourable, also brought forward some striking instances of a disproportion in the number of voters in England and Ireland, a disproportion which the noble Lord opposite had himself admitted, and his hon. and learned Friend contended that this was sufficient proof of the necessity for an extension of the franchise in Ireland. Upon the first motion which his hon. and learned Friend made for leave to bring in the bill he met it with a decided negative. In doing so he hoped that he had not acted with any discourtesy, and he had some reason for entertaining that hope, as he knew that the charge made against him in some quarters was that his opposition to the motion was too courteous and deferential. He could not deny the statistics, or contravene the logic, of the arithmetical proportions laid by his hon. and learned Friend before the House, but he felt that after a great settlement of a constitutional question, by which the proportion of representation was ascertained for the three countries, after the great opposition which had been offered to the settlement of that question, and the great excitement which it had occasioned all over the country, it would be inexpedient, so short a period having intervened, to lend any countenance to a proposition for further change. The Government were now disposed to act in the same spirit; but at the same time he wished to state that if, notwithstanding the remonstrances of the bulk of the people of Ireland, who honoured the Government with their generous confidence—" and if the confidence of the Irish people, were regarded as a disparagement, he wished never to exchange destinies with the party opposite" if, he would say, notwithstanding the representations of a number of the Irish Members, a great proportion of whom gave the Government their support—if, notwithstanding the force of the arithmetical and statistical details which the hon. and learned Member for Dublin had laid before the House, the Government yet refused its consent to such an assimilation and extension of the franchise as those parties required at its hands, because the Government considered it inexpedient to alter the existing law, so, on the other hand, the Government was not prepared to assent to any proposition for altering the present system of registration in Ireland, if they found that it was the object or the tendency of the proposed measure to limit, control, and obstruct—to use the favourite word of the noble Lord opposite, beyond its due and just limits, that franchise which the people of Ireland had received at the hands of the noble Lord. There were some topics in the speech of the noble Lord which might excite discussion, but these, as he had said, he should reserve stating his opinion upon until the time when he had made up his mind upon, the provisions and the tendency of the noble Lord's measure. He had, however, thought it most candid towards his noble Friend opposite to say at once, without any reserve, that with whatever ingenuity the bill might be framed, however well calculated it might be to effect its own objects, and whatever collateral and incidental advantages it might possess, still if he were convinced in his own mind that its tendency would be to narrow and obstruct the political rights of the people of Ireland, he would offer his decided opposition to the further progress of the measure. Having thus stated the principles by which he should be guided in dealing with any measure which should affect the franchise in Ireland, and having intimated the spirit in which he should approach the consideration of any proposition of that nature, he should offer no obstacle to the noble Lord bringing in his bill, and submitting it to the consideration of the House.

Mr. Sergeant *Jackson* was happy to find, that the noble Lord, the Secretary for Ireland, did not intend to offer any opposition to the motion of the noble Lord who had asked permission of the House to bring in his bill, and he was also exceedingly happy to find that the noble Lord would give this bill a fair and candid consideration. That was all that the noble Lord asked the House to give. He had now risen because the noble Lord who had just resumed his seat had done him the honour to refer to his conduct on this subject. It was one which had been admitted to be of great importance by Members on both sides of the House. Some years ago the hon. and learned Member for Dublin had himself complained of the state of the law affecting registration, and gave notice that he would move for leave to bring in a bill to amend it. The hon. and learned Gentleman, however, for reasons on which he would not speculate, never brought forward any motion in pursuance of that notice, and the subject dropped for a time. In 1835, however, Mr. Justice Perrin, then Attorney-general for Ireland, did bring in a bill for the purpose of amending the system of registration, which went through the House between the 20th and the 29th of August in that year. Having stated that circumstance, he must say he thought that the noble Lord, the Secretary for Ireland, had not dealt fairly and candidly with the other House of Parliament for having thrown out that bill. It did not go to the House of Lords till the 29th of August, 1835, and it was impossible for them to consider its provisions during the short remainder of the Session. It had been too much the practice, not in 1835 only, to send up to the House of Lords a heap of bills at the end of a Session, having till then given them nothing to do. In the next year, 1836, a similar bill was introduced in the House of Commons, but after it had passed through some stages, the right hon. Gentleman who brought it forward himself moved, that it should be taken into consideration that day three months. In 1837 no attempt whatever was made by her Majesty's Government to redress the grievance which they had acknowledged to exist. In 1838 his right hon. Friend, now Chief Baron in Ireland, was Attorney-general, and he called on him to ask whether it were his intention to bring forward any measure on the subject, and his right hon. Friend told him that such was his intention. A great part of the Session, however, passed without any motion on the subject by his right hon. Friend, and, under these circumstances, he gave notice that he would move for leave to bring in a bill. His right hon. Friend then got leave to bring in his bill, which not appearing, he obtained leave to bring in his own bill. He had asked that permission of the House, because he was sincerely desirous, as his noble Friend below him was, to bring in a bill which should be satisfactory to both sides of the House. His bill was then printed, and during the long vacation which followed the Session of 1838, he took all the pains he could to get it circulated in Ireland. In 1839 he again asked leave to bring in his bill, and the bill not only related to the registration of voters, but altered the mode of taking the polls in Ireland. He had subsequently withdrawn it, not because the subject was one which he did not feel to be important, but because the machinery which he had intended to adopt, which was provided by the Poor-law Act, was not then complete. His noble Friend had now taken up the subject, and if there were one man more than another who was able to deal with it, the noble Lord who sat below him was the man. The noble Lord was the minister who brought in the Irish Reform Bill, professing at the time, that so far as the registration was concerned, it was merely an experiment, which was to be continued only until the working of the new registration system in England under the Reform Bill could be seen. The noble Lord, the Secretary for Ireland, had referred invidiously to a word which fell from his noble Friend in a former debate. His noble Friend did not state that he would make it his business to obstruct the measures of the Government. What his noble Friend said was, that Gentlemen on the Opposition side of the House would propose good measures, and obstruct such as appeared to them to be of a contrary tendency and character. Having stated what was the humble part which he bore in this matter on a former occasion, he should not enter further into the subject at present. His noble Friend invited investigation, and he was quite convinced that both the measure and the motion of his noble Friend would bear the closest scrutiny.

Mr. *O'Connell* did not intend any offence to the noble Lord when he expressed his regret that the noble Lord should have brought this measure forward, but he expressed the general feeling of the people of Ireland when he said that the noble Lord was the last person in the world who, from his principles and conduct towards Ireland, ought to have meddled in this matter. The principle of the noble Lord's political conduct had been to limit and restrict as much as possible the franchise of the people of Ireland. The noble Lord brought in the Irish Reform Bill on that principle. He contended with him on the subject out of the House and in the House, foot by foot, but where the noble Lord was worsted in argument he outvoted him. The noble Lord had great influence in the cabinet, and he succeeded in giving to Ireland a franchise which was admitted to be inferior in extent to that bestowed on England. ("*No, no.*") If it was not admitted, it could not be controverted. Let the House look at the result. Ireland had not the franchise for even five per cent. of her population, while England had it for 19 per cent. The people of Ireland knew that the object of the noble Lord's Bill was not to assimilate the franchise between England and Ireland, or even if it were, the Bill would lose its grace and power to the people of Ireland, as being transmitted through the noble Lord. He was not surprised that he should have been urged to undertake the task by hon. Gentlemen opposite, because, unrivalled as were his talents in debate, and notorious as was his zeal for the restriction of the franchise, he must have been quite a godsend to them. But when his ingenious and artificial speech, full of admissions and concessions that could not serve the people, arrived in Ireland, the people would at once perceive that no good could come from a measure which had the noble Lord for its proposer. He was not going to enter into the details of the Bill, but the principle was vexation, expense, and trouble. Was the noble Lord aware that the Conservative party in Ireland—he would not call them Orange now—were in the habit of employing both counsel and attornies to oppose the registration of Liberal voters, and this at every registry? They had regular paid swearers to put down the franchise; there was a staff of them in every county, and the landlords were constantly attempting to prevent their tenants registering their franchise. They sat on the bench with the assistant-barristers, and whispering to them one moment, and speaking to them the next, the unfortunate peasant had their testimony against him, and lost his vote. Every attempt was made to keep documents from the claimant, who had no process by which he could enforce the attendance of witnesses. If his lease should happen to be at all eligible, the landlord or agent refused to produce it for him; every impediment was thrown in the way of the poor voter; he was examined on oath, cross-examined hour after hour, and speeches were made to overthrow what he had sworn on oath, and force him to contradict himself. If the landlord were a Conservative, all this was a matter of course; if the landlord were a liberal, in nine instances out of ten, or at least in the greater number of cases, the agent was a Conservative. In his (Mr. O'Connell's) own county, Lord Monteagle's agent was as ready to oppose the registration of his own tenantry, as the most decided Conservative in the county could be, and Lord Listowell's agent acted in the same manner. The claimant had first to go through this ordeal at the sessions, and then, if the assistant-barrister decided in his favour, an appeal to the assizes was open to the objector, where the unfortunate voter had to encounter all this formidable array of opposition a second time. But was that all? The Conservative landlord endeavoured to intimidate him from coming up to the registry at all in the first instance, and again from availing himself of the second opportunity to press his claim at the assizes. The agent also intimidated him on both occasions, and at the risk of ruin the tenant was obliged to stand the two ordeals, which were forced upon him in order to accumulate and double the evils of intimidation. The noble Lord had talked with great seeming regret of the difficulty which the voter had in going thirty or forty miles to the sessions. Why, the voter would have first to go to the sessions, and then he would have to go fifty or sixty miles to the assizes, where he would have to wait, Heaven knew how long, while all the engines of intimidation were in motion against him, and that, too, year after year, to face the same difficulties on each successive occasion. Why, if the noble Lord had asked leave to bring in a stifling or gagging bill for preventing the votes from obtaining the franchise except by consent of his landlord, his measure would have been an excellent one, because it would have exactly answered the title. He sincerely trusted that this bill, if persevered in, would not succeed, and he knew no means of stopping its progress to which he would not think himself justified in resorting. He thanked the noble Lord opposite for the word "obstruct;"—it was the noble Lord who taught that policy, although the learned Sergeant who had last spoken, had declared that he was no obstructor;—for this was a measure which he thought every friend to the rights of the people of Ireland ought o join in obstructing. In saying this, he was not applauding the present system of registration. He knew that it had great evils, but the people had worked themselves out a certain degree of freedom under it, and while he would desire to alter it, in order that its operation might be made more unembarrassed, he would still adhere to it in preference to the noble Lord's bill, especially as that bill had not a proper basis. Every other bill that had been introduced on the subject of the elective franchise in Ireland, was favourable to the free exercise of the franchise by all who were rightfully entitled to it, and explained the original act in a manner consonant with that view. Even the learned Sergeant's bill contained a clause which, if it had passed, would have been a really useful and beneficial enactment, and would have worked well; but the noble Lord stood alone, and opposed the Irish people's enjoyment of their rights, introducing no provision, except such as would in his judgment contract the present extent of the franchise. Why had not the noble Lord introduced a bill for the improvement of the English registration? Would hon. Members say that the English system was perfect, or that it gave satisfaction to the people? He would have thought it a legitimate exertion of the noble Lord's great talents and powers to prepare a bill for the amendment of the registration law in England before he went over the Channel to destroy the franchise of the people of Ireland. He wished the noble Lord's friends had persuaded him to try his maiden essay in England or in Scotland, where, according to all accounts, he would have found abuses enough to remedy. A really good bill would take up the subject for the three countries, or at all events to put Ireland on an equality with England in respect of the franchise. He called on the House to give Ireland the same franchise; that was what he had urged during the discussions on the Reform Bill. The noble Lord had treated with most unbecoming lightness, the affidavits of Irishmen upon oath. [Lord *Stanley*: I did not talk of "paid swearers."] The noble Lord had talked of volunteer perjurers, but he would not accuse the noble Lord of any more hostile purpose than that of restricting the franchise. All that the noble Lord had not deprived the Irish people of at the time of the Reform Bill, he would succeed in depriving them of by this bill. The noble Lord had complained of the Irish law being defective in this respect, that the committees of the House had it not in their power to strike off Irish voters from the register. He had always considered that circumstance to be a mitigation of the committees, which now stood condemned by the universal sentence of the House. When he had on a former occasion talked of perjury in connexion with those committees, he had been reprimanded for it; but, without going so far as to accuse them of that, the right hon. Gentleman opposite had shown how little those committees were entitled to the confidence of the public, having annihilated them, and replaced them by other tribunals, though he very much feared that the new committees would not be more satisfactory, from the specimens they had already had of the spirit of compromise prevailing in them, which was entirely opposed to anything like generous confidence on either side. He would not divide the House at this stage of the bill, as the noble Lord below him had conceded the first reading of the bill, and there was no distinct reason why they should refuse it; but on every other stage it should have his most decided opposition. Indeed, no friend to popular rights ought to rest satisfied until something was done to place the franchise on a proper footing, by introducing a bill containing at least, a definition of what constituted the franchise, so as to put an end to the vexatious questions now continually arising. He believed the noble Lord did not imagine that there were many judges in Ireland, in whose hands the people would be inclined to place the ultimate disposal of the franchise. He was sure that part of the bill would meet the universal reprobation of the people of Ireland. On the whole, the present bill appeared to him to be one calculated, not for the purpose of securing, as it pretended to do, a fair investigation of the claimant's right to vote, but of introducing such vexatious details as would be inconsistent with the situation of the tenantry in Ireland, as would be ruinous to them in point of expense and time, as would bring them twice every year under the lash of their landlord, as would expose them to the most merciless intimidation, and thus annihilate the elective franchise. Certainly the situation of the Irish people ought to have excited commiseration rather than resentment in the breast of the noble Lord, for he had left them so little of the franchise in his Reform Bill, that it was hardly worth while now to endeavour to extinguish the remainder.

Lord *Stanley* said, that though he had

been somewhat disappointed with the manner in which his bill had been received by the hon. and learned Member for Dublin, and in some respects by the noble Lord the Secretary for Ireland, yet the strain of observations in which they had chosen to indulge, would not lead him to depart for a moment from that deliberate line of argument and calm discussion to which he had determined to confine himself in bringing forward this bill, and in which he would persevere. He had indeed suspected, that such a course might be taken on this occasion by those who were opposed to the policy which he had formerly adopted in Irish politics, for he had found that the Loyal Irish Registry Association of Dublin, had shown exactly the same spirit and announced the same hostility, even before he moved for leave to bring in the bill, as the hon. and learned Member for Dublin, having agreed that instructions should be sent to all the liberal Members for Ireland to oppose the measure, whatever its provisions might be. For an assembly calling itself a deliberative body, and assuming, under the guidance of the hon. and learned Member opposite, to direct the judgment of the people of Ireland, he must say that a more absurd resolution, or one which more clearly showed its passers to be utterly unworthy of the confidence of any class of the community, never had been passed, and he trusted that the liberal Members of the House would show that they had at least more liberality of feeling, than to be guided by such blind leaders, and would not take the instructions that might be given to them by such unreflecting politicians, but would fairly consider the merits of the question. He would not take any notice of the imputations which the hon. Member for Dublin had cast upon him in attributing to him motives by which he was not actuated; but there was one part of the hon. Member's statement, which it was impossible for him to pass over in silence. The hon. and learned Member had repeated over and over again, that by the Reform Bill there was given to Ireland a franchise infinitely more cramped and restricted than that which was given to England, and that he (Lord Stanley) was the author of the plan. Now, he met the hon. and learned Member with a direct denial of the fact, and with the assertion, which he would prove, that the franchise in Ireland as settled by the Irish Reform Bill, was more extensive, and not less extensive, than the corresponding franchise given to England. He did not refer to the case of the 40*s*. freeholders; he had already stated, that that question was settled some years before, and was not at all disturbed by the Reform Act. The English bill restricted the 40*s*. freehold franchise, but did not abolish it; the Irish bill did not interfere in any mode whatever with freehold occupation, but left it as it had been previously established in Ireland. The Irish and English bills both added a leasehold constituency to the freehold constituency, which had formerly prevailed. What, then, was the tenure of leasehold property required to entitle to a vote? There were three several classes of leasehold voters. In England the franchise was given to the lessee or assignee entitled to any land or tenements to be held during a term of not less than sixty years of the clear value of not less than 10*l*. over and above all charges. In Ireland the property was to be held for a period of not less than sixty years, with a beneficial interest—the words were originally exactly the same as in the English bill, but were altered on the suggestion of the hon. and learned Member for Dublin himself—" arising out of it, of the yearly value of not less than 10*l*." The second description of voters under leasehold tenure in England must hold property for a term of not less than twenty years, of the clear yearly value of 50*l*. over and above all charges on it. In Ireland the second class was composed of those who held property for not less than fourteen years, having a clear yearly value of 20*l*. No lower term of years entitled to vote in England, excepting the tenant-at-will qualification, the voters under which must pay a rent of 50*l*. But there was another leasehold qualification in Ireland, to which there was no parallel in England. The franchise was given to a class of Irish tenants holding property for a term of twenty years, with a beneficial interest of not less than 10*l*. to the person entitled to occupy. That was the plan, as regarded the comparison of the leasehold franchises given by the Reform Bill to England and Ireland, and he defied the hon. and learned Member to prove that the Irish franchise, as he had stated its conditions, was more restricted than the English. The hon. and learned Member had urged, that the Irish constituency was smaller in proportion to the population than that of England; but that was no argument whatever in regard to the amount of the franchise. He said, that the Irish bill required a shorter and not a longer term, a smaller and not a greater interest; and if in Ireland there was a smaller proportion possessing the smaller interest than the proportion possessing a greater in England, that was no ground for charging the authors of the Irish Reform Bill, which like the English bill was founded on the basis, not of numbers, but of property, with giving a more restricted franchise to the one country than they had conferred on the other. With respect to the household franchise, there was no difference, and there was intended to be none, between the English and Irish bills, except that the English bill required all rates due on the 6th of April to be paid on or before the 20th of July following, while the Irish bill required all rates to be paid, except such as were due for the period of six months next preceding the day of registration. He defied the hon. and learned Member to shake these facts, or to make out any shadow of foundation for the assertion he had hazarded, that the Irish franchise was more restricted than the English. The hon. and learned Member said, that he wished to introduce needless expense and vexation in compelling persons to submit to an examination, and in giving an appeal to the judges, remarking, that there were not many Irish judges who had the confidence of the country. He was sorry to hear such language from the hon. and learned Member; he must protest against the justice of such a reflection. He had as much confidence in the decisions of Chief Justice Perrin, Chief Baron Woulfe, and Baron O'Loghlin, as in those of any judges who had ever been connected with his own side of the House. It was most detrimental to the usefulness of the judges to have such imputations cast upon them on every occasion, because they might have at one period expressed opinions different from those of the Speaker. With respect to what the hon. and learned Member had said in disapproval of allowing an appeal to the judges, he would content himself with referring to what the hon. Member had said when a bill for the amendment of the registration was introduced by Mr. Perrin in 1835. After speaking of the evils which arose from the uncertainty previously arising from the conflicting decisions of assistant-barristers, the hon. Member said, "This bill is calculated to put an end to all this by making the vote of every party conclusive for twelve months, and then allowing an appeal to the judges."

Mr. *O'Connell* said, that when he asserted that the Irish franchise was more restricted than the English, his meaning was, that the Irish Reform Bill, not going so far as to restore the same franchise which was continued in England—the freehold franchise, was by that means made infinitely short of the Reform Bill in England, comparing the two measures on the whole.

Lord *Stanley:* Then he had the hon. Member's admission of the fact, that setting the freehold franchise aside, the qualification of the leaseholders and householders was at least as comprehensive in the Irish bill as in the English. He had proved, indeed, that it was more so.

Motion agreed to.

NUMBER OF THE CONSTITUENCY.] Mr. *Hume*, pursuant to a notice which he had given, moved for

"A return of the number of electors on the register for each county of England and Wales for the year 1839-40, and distinguishing, in classes, the number registered as freeholders, copyholders, leaseholders, occupying tenants at 50*l.* a year rent and upwards, or as holding qualifications of a similar nature, together with an abstract of the numbers of each class, showing the increase or decrease in number under each separate head since the returns of the registered voters at the general election in 1835 (as given in Parliamentary papers No. 199 and 227, of 1836). Also a return of the number of electors on the register of each city, town, or borough, in England and Wales, for the year 1839-40, and distinguishing, in classes, the numbers registered in each place as 10*l.* occupiers, and the numbers registered under the old qualifications reserved by the Reform Act, specifying what such qualifications are in each, and whether the party possessed the old and the new franchise; together with an abstract of the numbers of each class, and of the whole, showing (as above) the increase and decrease since 1835. Also a return of the number of electors on the register for each county in Scotland for the year from July, 1839, to July, 1840, showing, in columns, those transferred from the old roll of freeholders to the new roll, the 10*l.* life rent, and those enrolled on the different qualifications of property, or lease, distinguishing in each class those enrolled as life renters and those enrolled as a joint qualification, showing a comparison of the increase or decrease since

1835. Also a return of the number of electors on the register in each city or burgh returning, or contributing to return, a Member or Members to serve in Parliament, in classes of burghs, for the year 1840, showing in columns the number of owners and occupiers, joint owners, and joint occupiers; together with an abstract of the number of each class, and of the whole, showing also a comparison of the increase or decrease since 1835. Also a return of the number of electors on the register for each county of Ireland qualified to vote at any election which may take place before the 1st day of January, 1841; and distinguishing, in classes, the numbers registered under the different qualifications, in each county; together with an abstract of the number of each class, and of the whole, showing also a comparison of the increase or decrease since 1835. Also a return of the number of electors on the register for the year, qualified to vote at any election which may take place before the 1st day of January, 1841, in each city, town, and borough of Ireland; and distinguishing the numbers in each place registered under the old qualifications, specifying what such qualifications are in each, reserved by the Reform Act, and the numbers registered under the new qualifications admitted by the Reform Act; together with an abstract of the number of each class, and of the whole, showing also a comparison of the increase or decrease since 1835."

Lord *Eliot* objected to the motion of the hon. Member in its present form, on the ground that it would be productive of great trouble and expense. It might be supposed that the returns now moved for were similar to those ordered in 1836, which were alluded to in the first paragraph; but that was not the fact, because the present motion was not merely for returns of the number of electors, but for classification of them also. This would impose great labour upon the clerks of the peace of the several counties; and it could not be supposed that they were to perform such great extra labour without remuneration. Did the hon. Member intend that the counties should respectively pay the expense of getting up these returns? If so, although he did not object to the information, he must decidedly object to that mode of defraying the expense of obtaining it. Unless, therefore, the hon. Member could shew him that the expense would not fall upon the counties, he should be inclined to oppose it.

Mr. *Hume* said, it was true that the noble Lord would not find the returns of 1836 in the same words as the present motion, because it had been amended in order to make it more comprehensive. The former returns were defective, and he wished to obtain complete ones. All the trouble that would be imposed upon the clerks of the peace would be merely to count up the number of voters in each printed register, and select from each page how many freeholders, copyholders, leaseholders, and occupying tenants there were. If the order were sent out from the Home-office, he hoped a prepared table to be filled up under heads would accompany that order.

Lord *G. Somerset* admitted, that the information sought by the motion of the hon. Member, might not be unacceptable, but he wished to know in what way the Government could pay the clerks of the peace for furnishing it? If the noble Lord opposite (Lord J. Russell) had any means of remunerating those individuals, he should be glad to hear it. He wished the hon. Member to pause until that point was settled.

Mr. *Shaw* said, that with regard to Ireland, great expenses would be incurred in getting up these returns, but they could not be charged upon the county-rate. How were they to be paid?

Mr. *O'Connell* observed, that the clerks of the peace were compelled to prepare and print lists of every man who had a vote, and therefore the labour of compiling the returns from those lists would be trifling, as well as the expense.

Colonel *Perceval* said, that the lists referred to by the hon. and learned Member contained a register of claimants, and were continually undergoing changes, which would render them comparatively useless in making up the returns.

Mr. *Estcourt* thought the hon. Gentleman ought not to be permitted to impose this additional labour on the clerks of the peace, and that he could not get the information which he required by a motion of this sort.

Mr. *Egerton* also protested against the motion, on the ground of increasing the already increased charges upon counties. If the hon. Member would send for a list to each county, he could then have an abstract made by the officers of the House.

Lord *J. Russell* felt very strongly the objection founded on the extra labour imposed upon clerks of the peace in getting up returns like those now moved for by the hon. Member for Kilkenny. But if clerks of the peace were to be permitted to make out bills for their trouble, and charge them upon the public purse, an enormous burden would be imposed upon the country. These returns must be made, he apprehended, by the proper officers, and the House must take care to allow those only to be ordered which were necessary and useful.

Mr. Sergeant *Jackson* begged the noble Lord to consider, that if these returns would entail an unreasonable burden upon the public purse, how much greater was the burden imposed upon the clerks of the peace who were required to get them up. He had, as chairman of a county, repeatedly seen the great trouble and expense to which clerks of the peace were put by such motions as the present. Indeed, he doubted very much whether it were practicable to make the returns from Ireland now moved for. On behalf of a very meritorious class of public officers, upon whom this gratuitous, and he thought useless, burden was to be thrown, he protested against the motion, and recommended the hon. Member to put it in a simpler form, which he might do without losing any necessary information.

The House divided: Ayes 87; Noes 76: Majority 9.

List of the Ayes.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Baring, right hn. F. T.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Buller, E.
Campbell, Sir J.
Clay, W.
Craig, W. G.
Curry, Sergeant
Duke, Sir J.
Duncombe, T.
Elliot, hon. J. E.
Evans, W.
Fielden, J.
Finch, F.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Grattan, J.
Hastie, A.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, P. H.
Lambton, H.
Langdale, hon. C.
Lynch, A. H.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Oswald, J.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Philips, M.
Pigot, D. R.
Protheroe, E.
Pryme, G.
Redington, T. N.
Russell, Lord J.
Rutherford, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Sheil, right hon. R. L.
Somerville, Sir W. M.
Stanley, E. J.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, W. V.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Wallace, R.
Ward, H. G.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wood, Sir M.
Wood, G. W.
Wood, B.

TELLERS.
Hume, J.
Warburton, H.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
Arbuthnot, hon. H.
Bailey, J. jun.
Bentinck, Lord G.
Blackburne, I.
Blair, J.
Blakemore, R.
Bolling, W.
Broadley, H.
Broadwood, H.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C.
Cholmondeley, hon. H.
Clerk, Sir G.
Darby, G.
Douglas, Sir C. E.
Duncombe, hon. W.
Egerton, W. T.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Fox, S. L.
Freshfield, J. W.
Godson, R.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T
Hamilton, Lord C.
Henniker, Lord
Hepburn, Sir T. B.
Hinde, J. H.
Hope, hon. C.
Hope, G. W.
Hurst, R. H.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Jackson, Sergeant
Jermyn, Earl
Knight, H. G.
Litton, E.
Lowther, J. H.
Mackenzie, T.
Mahon, Viscount
Maunsell, T. P.
Meynell, Captain
Miles, P. W. S.
Milnes, R. M.
Norreys, Lord
Parker, R. T.
Peel, rt. hon. Sir R.
Perceval, Colonel
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Pusey, P.
Rickford, W.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Sandon, Viscount
Scarlet, hon. J. Y.
Shaw, right hon. F.
Sibthorp, Colonel
Somerset, Lord G.
Sotheron, T. E.
Stanley, Lord
Sutton, hon. J. H. T. M.
Vere, Sir C. B.
Verner, Colonel
Waddington, H.
Wilbraham, hon. B.
Wodehouse, E.
Wood, Colonel T.

TELLERS.
Eliot, Lord
Estcourt, T.

Privilege—Stockdale *v.* Hansard—The Sheriff.] Sir *M. Wood*, in pursuance of the notice which he had given, rose to move that Mr. Sheriff Evans should be permitted to go at large for a day, in order that the sheriffs of London might wait upon her Majesty for the purpose of ascertaining when it would be her Majesty's pleasure to receive the Address of the Corporation. He had no intention to apply for the discharge of the sheriff, as all he meant to ask for was the indulgence of a single day. The corporation of London, the Courts of Aldermen and Common Council, had resolved on presenting addresses to her Majesty, congratulating her upon her marriage. They never had been lax in displaying their loyalty, but on this occasion they were unable to carry their loyal intentions into effect because of the situation of their sheriffs. For the last 200 years he found that, without any exception, the course had been for the sheriffs to ascertain the royal will. He thought hon. Gentlemen should have some little regard for the sheriffs—for men who were suffering incarceration merely because they had discharged their duty. He asserted that the sheriff now in custody was suffering much, and he could only say, that that House would have deep cause for regret if they kept him much longer in confinement. With respect to addresses of condolence, the recorder usually ascertained when they were to be received, but in all other instances since 1645, this duty had been performed by the sheriffs. The question then was, would that House refuse to the corporation the trifling indulgence for which they sought? It could be no satisfaction to the sheriff to be at liberty for a single day, but he thought, if they denied what he now asked, that House would not be acting with courtesy to either the Sovereign, the corporation, or the country. The corporation did not wish, in this instance, to depart from their ancient custom; and if that House was jealous of its privileges, why should not the corporation be equally so of theirs? If that House continued the sheriffs in custody until their power was at end, what would be thought of them? Why, it would and with truth, be said, that they had tortured these gentlemen merely because they had discharged their duty. On a recent occasion, when they wished to place themselves in a proper position, he asked the noble Lord what they were to do; and what was the noble Lord's answer? Why, he said let them present a petition. They were ready to petition; in fact, they had drawn up a petition last night. [" Where is it?"] He would answer that question—it was in his pocket. They were in a situation now to conform to the feelings of that House; and he must say, that he felt extremely disappointed when he received information from a high quarter that no petition would do—that, in short, nothing would do but the repayment of the money. It would seem, then, that that House was disposed to sell its privileges for 640*l.*; and, if so, the sheriffs should know the fact, and not be further misled. What! if they said that the sheriffs should not be liberated until they paid this money, this 640*l.*, would not that amount to the statement which he had made? What had the sheriffs done? Had they not done all in their power to maintain the privileges of the House? He insisted that they had. They had got the judge to put off the writ of inquiry. "[*No, no.*"] Hon. Gentlemen cried "No, no;" but he now knew their humours and fancies. He certainly had not thought that their humours and fancies were those of cruelty—that they would act like tyrants. All he asked was, that they should allow the corporation the services of the sheriffs for a single day. He did not think this was an arrangement which that House ought to refuse. If they detained the sheriffs until their power ceased, what would the country say of their conduct? And as to giving back the money, that was a thing which the sheriffs would not do. He hoped they would not give way. The hon. Baronet moved that

" The corporation of London having on the 12th instant resolved to present an address to her Majesty, her Royal Highness the Duchess of Kent, and his Royal Highness Prince Albert, on the marriage of her Majesty, and by the ancient custom of the city of London, the sheriffs being allowed to wait on her Majesty to receive her Majesty's commands with respect to the presentation of such address, be it resolved that Mr. Sheriff Evans be allowed to wait on her Majesty for the purpose of receiving such commands of her Majesty."

Lord *J. Russell* said, that it was not his intention to discuss a subject on which he had spoken so frequently before. He was afraid the hon. Alderman did not understand the grounds upon which the sheriff was detained; but, at all events, as agreeing to the motion could be attended with no good effect, and as the corporation might have the duty now required to be discharged performed by another officer, he felt it to be his duty to move, by way of amendment the other orders of the day.

Mr. *Freshfield* said, that the noble Lord had accused his hon. Friend, the Member for the city of London, of not understanding the grounds for the treatment of the sheriffs by the House. He also laboured under the same disadvantage, so far as the question of privilege was illustrated by the treatment of the sheriffs. The hon. Gentleman continued for some time to address the House, but the interruptions were so incessant, that it was not possible to make out the bearing of his observations. The hon. Member was understood to comment on the inconsistency of which the House was guilty, in saying that it had committed the sheriffs for a breach of privilege, and in avowing that it would liberate them on payment back to Mr. Hansard of the 640*l.* of his money, which they had seized instead of his person.

The House divided on the amendment:—Ayes 81; Noes 39: Majority 42.

List of the Ayes.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barry, G. S.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Buller, E.
Campbell, Sir J.
Clay, W.
Craig, W. G.
Curry, Sergeant
Elliot, hon. J. E.
Evans, W.
Ewart, W.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Gisborne, T.
Gordon, R.
Hastie, A.
Hawes, B.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, P. H.
Hume, J.
Hurst, R. H.
Lambton, H.
Langdale, hon. C.
Lynch, A. H.
Melgund, Visc.
Milnes, R. M.
Morpeth, Visc.
Muntz, G. F.
Murray, A.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Oswald, J.
Palmerston, Visc.
Parker, J.
Parnell, rt. hn. Sir H.
Philips, M.
Pigot, D. R.
Protheroe, E.
Pryme, G.
Redington, T. N.
Russell, Lord J.
Rutherford, rt. hn. A.
Salwey, Col.
Scholefield, J.
Seymour, Lord
Sheil, rt. hn. R. L.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, W. V.
Strutt, E.
Tancred, W. H.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Wallace, R.
Warburton, H.
Ward, H. G.
Wilbraham, G.
Williams, W.
Wood, G. W.
Wood, B.

TELLERS.
Stanley, E. J.
Maule, hon. F.

List of the Noes.

Acland, Sir T. D.
Bailey, J. jun.
Bolling, W.
Broadley, H.
Bruges, W. H. L.
Buck, L. W.
Darby, G.
Duke, Sir J.
Duncombe, T.
Duncombe, hon. W.
Farnham, E. B.
Fielden, J.
Godson, R.
Greene, T.
Grimsditch, T.
Hamilton, Lord C.
Henniker, Lord
Hope, G. W.
Ingestrie, Visc.
Inglis, Sir R. H.
Lowther, Sergeant
Jackson, J. H.
Lowther, J. H.
Mahon, Visc.
Maunsell, T. P.
Norreys, Lord
Perceval, Col.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Rolleston, L.
Round, C. G.
Rushbrooke, Col.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sibthorp, Col.
Talfourd, Sergeant
Verner, Colonel
Wilbraham, hon. B.
Wodehouse, E.

TELLERS.
Wood, Sir M.
Freshfield, J. W.

Lord John Russell moved, that the House do adjourn.

Mr. *Godson* rose to oppose the motion, and entered his protest against the unusual course which the noble Lord was pursuing in adjourning the House without postponing the notices on the paper. The noble Lord was attempting to get rid of his motion for the immediate discharge of the sheriffs. The sheriffs had now been five weeks that very day in custody. The House said that that was not punishment enough for them. [" *Question.*"] They were attempting to teach the Court of Queen's Bench law through the imprisonment of the sheriffs. Was that in keeping with the dignity of the House? It might be that the House was justified in its present proceeding by ancient privilege; but if the privilege were ancient, it was as barbarous as it was ancient. [" *Question,*"] [" *Divide.*"] The hon. and learned Member adverted, amid considerable interruptions, to the various steps which the sheriffs had taken from the middle of November till the day on which the House met, to prevent themselves from being compelled to levy execution on the goods of Mr. Hansard, in contravention of the resolutions of the House; and contended so far as could be ascertained, that they had done their duty both to the House and the Crown. The hon. and learned Gentleman concluded, by moving, that the sheriff be forthwith discharged.

Amendment negatived. Original motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Wednesday, February 26, 1840.

INTERNATIONAL COPYRIGHT.] Viscount *Mahon* said, that seeing the noble Lord, the Secretary for Foreign Affairs, in his place, he wished to put a question to him relative to a bill which was passed in a former session upon international copyright. He wished to know whether any negotiation for carrying into effect the design of that bill had been concluded with any foreign power, or if the noble Lord could afford any prospect of any one of the negotiations, which it was understood had been going on for some time, being brought to a speedy conclusion?

Viscount *Palmerston* replied, that since the bill was passed, several communications with foreign powers had taken place upon the subject, but as yet they had not come to any agreement. He hoped, however, that he would be able soon to announce that result.

NAPLES SULPHUR TRADE.] Viscount *Sandon* saw by the public papers that a report had reached this country, that a new treaty of commerce was made or about to be made with Naples, and that the abolition of the sulphur contract had been agreed upon. As that report had occasioned some anxiety amongst commercial men, he wished to know from the noble Lord whether it was true.

Viscount *Palmerston* expressed his regret that it was not in his power to confirm the report in all respects. It was quite true that negotiations with Naples were pending, but that the sulphur monopoly was abolished was unfortunately not true. Regarding that monopoly as a violation of the existing treaty, it was greatly hoped that they should very soon hear of its abolition.

JUVENILE OFFENDERS. SUMMARY JURISDICTION.] Sir *E. Wilmot*, in moving the second reading of the Juvenile Offenders Bill, said, that several objections were made against the measure, but he trusted that the House would suffer it to be read a second time and to go into Committee, where those objections could be fairly, and he hoped satisfactorily, dealt with. The bill proposed to give summary jurisdiction to magistrates in misdemeanours; but it had been suggested to him that this proposition would embrace too large a field of crime, and that it would be almost impossible to apply the principle of summary jurisdiction to misdemeanours generally. He was therefore perfectly willing, if the House wished it, to leave out the clauses relating to that subject, or to restrict the summary jurisdiction to certain misdemeanours which should be specifically named. It had also been suggested, with respect to the summary jurisdiction of two magistrates in petty sessions, that a jury should be formed of a few of the inhabitants of the localities, or *de circumstantibus;* and in committee no doubt some arrangement of that nature could be made. With respect to the clause for doing away with the holding of petty sessions in public-houses, he was so convinced of the evil of the practice, that he thought some means should be taken to discontinue it; at least, wherever that was practicable. Upon that point, however, he was also willing to act upon the sense of the House in Committee on the bill. It had been objected that the measure he proposed would be productive of very great expense to counties. From calculations which he had made, founded on the accounts of the charges incurred in prosecuting criminals, he ventured to assert, without the slightest misgiving, that the counties would save by the bill. He thought there would be very little difficulty in settling those points of doubt and dispute, and therefore he hoped the House would permit the bill to go to a Committee. His object was, to erect an intermediate tribunal between the magistrates and the superior courts, in order to prevent young persons of 12, 11, and 10 years of age, and perhaps even younger children, from being sent to prison for first and trivial offences, where they would only be made worse than before. This proposition had been before the public for years. Grand juries and petty juries, magistrates and judges, and persons of all descriptions, had countenanced and supported it; and that House itself had appointed committees to investigate the subject, and they had supported the same view. He denied, that it was a bill of punishments, which he understood some who objected to it had called it. It was a bill to invest magistrates, not with an arbitrary power to inflict punishment, but to give them an authority similar to that which a master has over his apprentice, or a father over his son—a moral authority, which would enable them to bring juvenile offenders under a course of moral training and discipline which should have the effect of reclaiming them to the paths of honesty and industry. The bill was a merciful bill, its object being to provide for those who were without natural parents and guardians national parents and guardians, in order to save them from being sent to gaols to be contaminated and ruined, to the great increase of crime and mischief in the land. The object of good laws should be as much to prevent as to punish offences; and he wished, by this bill, so to deal with those who rendered themselves obnoxious to the penalties of the law for the first time, that while suffering for their offences they might be relieved from the stigma and contamination which would deprive them of the chance of reformation. He doubted not that the Penitentiary in the Isle of Wight was found to answer; but he knew for a certainty that the Penitentiary at Warwick had done a great deal of good. The result of the experience acquired by the operation of the system pursued in the Penitentiary of Warwickshire was this —that though some of those juvenile offenders who had passed through gaols had been reformed, all those who had not, had been altogether reclaimed. He was sure that no one who took the trouble to make himself acquainted with the feelings, opinions, and practices of other countries as regarded their criminal law, their management of offenders, and the amount of punishment which they inflicted, but would readily agree with him that undue severity prevailed in England. According to the French code, boys under the age of 16 years were not subjected to punishment in the same manner as adults. It was not considered that their reason was awake, and whenever brought to trial, if satisfactory evidence were given that they had not reached the age of legal responsibility, they were acquitted as a matter of course. In all the experience he had had, he discovered no reason to think that the majority of delinquents were urged to commit crime by the pressure of want. He did not believe, that two cases could be found in a hundred of juvenile offenders who were driven into crime by distress; on the contrary, there were the best grounds for believing that crime was in most cases to be attributed to general ignorance, but more especially to ignorance of moral and religious duties, and to the absence of that sound discipline and control, without which, in early life, it would be vain to hope in any country for a well-ordered population. A recent instance came under his notice in the city of London of two girls, one aged nine, the other eleven years; both were tried, and one sentenced to seven days' imprisonment, the other to seven years' transportation; and why was the latter sentence pronounced? Because the Children's Friend Society undertook the care of one of them, and in order to give that association the requisite authority over the offender, it became necessary to sentence her to seven years' transportation. He felt that the grievances arising out of the present state of the law were so intolerable, that the House could not object to the second reading of the bill.

Mr. *Miles* said, it was with great regret he felt himself bound to oppose the second reading of the bill. He was far from stating, that the jurisprudence of the country ought to be left in its present state, and he was for excluding many offences from trial by jury, upon which he thought that a wrong decision was often come to. In 1834, the County-rate Committee, of which the right hon. Baronet the Member for Tamworth was chairman, suggested that part of the criminal expense which bore on the county-rates should be transferred to the consolidated fund; and they stated, that some tribunal or other ought to be established for the trial of juvenile offenders. The Government so far acted on this report that they referred the subject to the Commissioners then sitting upon the criminal law; and they produced a report on juvenile delinquency, which might be called the third report of the commissioners. They stated, that if the property stolen was under the sum of 10*s.*, the justice of the peace ought to have the power of dismissing or punishing the offender with six months' imprisonment. If above 10*s.* and under 5*l.* he was to have the power of inflicting twelve months' imprisonment. The bill of the hon. Baronet would impose great expenses on the counties for the erection and support of new edifices, &c.; and the counties were already sufficiently burthened. His experience was, that crime began at very early ages, certainly in the first instance originating in bad education. From a report of the commission for inquiring into the constabulary, of which the Speaker had been Chairman, the hon. Member proceeded to read the confessions of two boys of the ages of fifteen and fourteen, who stated, that they had three years before left honest labour and taken to thieving—that they used to travel from town to town—that their adult friend used, when they got into scrapes in the streets, "to mill them out of the crowd," and that they often used "to gammon the constables to let them go." Now, under the Bill of the hon. Baronet, which would allow bail to be taken for such offenders, who could doubt that these elder professors of felony would come forward and bail their *protegés?* He would ask his hon. Friend if he had ever found any difficulty with juries in returning a verdict on the score of age, and if it was not always on account of the almost valueless nature of the property stolen that they hesitated about returning a verdict? He hoped the hon. Baronet would allow this bill to go to a committee up-stairs, with a view to amending the law of felony, generally removing from it altogether many minor offences. He should feel disposed, unless the hon. Baronet would consent to go to a committee up-stairs, to move that the bill should be read a second time that day six months. He would ask whether, if the Bill passed in the House at present, there would be any chance of their being able to proceed with it any further? He hoped the hon. Member would accede to his suggestion by sending the bill to a committee up stairs. If not he would move that the bill should be read again that day six months.

Mr. *Fox Maule* said, that he thought the hon. Gentleman had thrown out a suggestion which should be attended to, and he hoped the hon. Baronet would consent to adopt the proposition that had been made. There was much that was good in the principle of the hon. Baronet's measure. He thought that in particular the resolution to dispose of juvenile offenders in a way different from anything they had hitherto done was a useful one. In a committee up-stairs they would have an opportunity of discussing that matter as well as the other advantages of the bill. He believed that it would also be important to ascertain whether they might not be able to change the present manner of holding petty sessions without incurring any additional expense. He should be very reluctant indeed to vote against a bill which contained a principle of such importance; but he should prefer to have it referred to a committee up-stairs.

Colonel *Wood* thought that the bill would not be improved by sending it to a committee such as that suggested by the hon. Gentleman; for he was of opinion that the object would be much better effected by the Government, upon whom that duty properly devolved, taking the matter into its own hands. To some of the details of the bill he was opposed, especially to that which limited the jurisdiction of the magistrates to offenders of a particular age—because it would deprive many persons of the benefit of trial by jury in cases where punishments of a serious character were involved. The duty of the Government was, to lower the grade of offences, and to withdraw several classes of crimes from the subdenomination of larceny. Minor offences punished in a summary way would greatly relieve the calendar, but he felt that the infliction of punishment by six months' confinement was too large a power to be intrusted to the discretion of the magistrates. In many cases a fine, not an immoderate one, but a fine suited to the condition of the individual, would be far more eligible in many trivial cases than imprisonment for any, even the shortest, term. As to the opinion expressed by the Under-Secretary, that it was expedient to send the matter to a committee up-stairs, in order to ascertain the opinion of country gentlemen upon the subject, and to know what influence the measure if carried into a law, would have upon the county-rate, he would take leave to inform the hon. Gentleman that the general opinion of country gentlemen upon the subject was, that no additional burthen ought to be imposed upon the county rates—that those rates were sufficiently burthened already, and were likely to be encumbered with a heavier burthen by the imposition of rates for paying the rural police, which would very probably double these rates. As to the efficiency of the rural police in controlling minor offences, he would not hazard an opinion, because the measure was not fairly tested by experience; but if it had not that effect—namely, to coerce minor offences, there existed not a doubt but that it would give great and general dissatisfaction. In his opinion it would be better not to permit the bill to be read a second time, but that the Government should pledge itself to introduce a bill not confining its powers to juvenile offenders only, but comprehending offenders of every age, from and under sixteen up to and beyond sixty. He would therefore oppose the second reading of the bill.

Mr. *Sanford* thought the House was indebted to his hon. Friend for bringing forward the measure, and he did not think it necessary to refer the question of summary punishment in cases of minor offences to a Committee up stairs, as that question had already been examined in Select Committees, and reported upon by them.

General *Johnson* said, that if the bill were permitted to pass, there would be no end to juvenile offences, juvenile gaols, juvenile courts, and all that, without the benefit to the prisoners of trial by jury. The principle of the bill was unconstitutional, because it conferred a power upon two magistrates to become judge, jury, and executioner at once. He would, therefore, oppose the second reading of the bill, because its principles were obnoxious; and he would also oppose sending it to a committee up stairs, because no committee could remedy by details a bill fraught with what he believed to be an unconstitutional principle.

Mr. *Estcourt* would not wish to reject the bill, because he was sensible that the grounds upon which it was introduced, and the principle which it contained were valuable. If, however, he was compelled to vote upon the second reading, and without submitting the bill to a committee to amend the details, he would vote in the negative and reject the measure. There was no doubt but the hon. Baronet who introduced the measure had bestowed considerable attention upon the subject; but in his (Mr. Estcourt's) opinion, he was wrong in making age a criterion for summary jurisdiction, for it was notorious that there were juvenile offenders at sixteen who were guilty of greater and grosser offences than persons who were far more advanced in years. However, if the hon. Baronet would accede to the suggestion of the mover of the amendment, he would give him his support.

Sir *E. Wilmot* said, that he had not taken age as a criterion for punishment, but as a criterion of education, and with regard to the clauses for summary jurisdiction, a similar clause had passed this House last year, but had been thrown out in the other House. By returns which he held in his hand it appeared that the average number of offenders under 16 years of age was, in Warwickshire, as one in seven; in Kent, as one in eight; in Middlesex, as one in six; and in all England, as one in ten. He had brought forward this measure because he thought it right; but the other House might do what they pleased with it; that was nothing to him. He would consent to this bill going to a committee, but he predicted that if it did, it would come down totally different in principle from what it was when it was sent up. It would not be his principle; because his principle was to stop boys from being contaminated by early imprisonment.

Sir *G. Strickland* thought the bill of the hon. Baronet was of the most objectionable kind. It would, in fact, take the right of trial by jury from those who most needed that protection, and who could not be expected to be able to plead their own cause as well as those more advanced in years. He thought the magistrates were rightly trusted with the powers they had, but he was not inclined to extend their powers further, and to take away from the people the right of trial by jury. He had looked over the bill, and could not see one redeeming point in it, and he should, therefore, concur in the amendment, that it be read a second time that day six months.

Mr. *Aglionby* wished not to give a silent vote on this question, since he should vote for the second reading, notwithstanding what had been said respecting trial by jury and expense. There was no person who more highly estimated trial by jury than he did, but he believed there might be many cases in which, however good it might be in theory, it would be very injurious in practice. The bill appeared to him to be one not of punishment, but reformation—to save juvenile offenders from the contamination of a gaol, and to educate them in their duty. He had not had so much experience as a magistrate as many gentlemen, yet, in practising his profession at Quarter Sessions, he had oft times been pained to see children of eight, nine, or ten years of age subjected to all the formalities of a public trial for the offence—he might almost say natural to children—of stealing a few apples, or similar articles. The expense he considered a matter of minor importance, when the object of the Bill was the reformation of morals. He should therefore vote for the second reading.

Mr. *Pryme* asked where the magistrates were to send the youths—to prison? The only point was, then, whether there should be contamination before or after conviction. The whole question resolved itself into one of prison discipline.

Sir *E. Wilmot.* The hon. Member cannot have read the bill—for the bill says nothing about sending to prison, but sending to asylums or penitentiaries.

Mr. *Pryme.* The very words of the act are, "To the common gaol or house of correction, or some asylum."

Mr. *A. White* should vote for the bill being referred to a select committee up stairs, in order to legislate prudently upon the subject, and with the advantages of the best possible information. He knew that in the district with which he was connected the magistrates were unanimous in stating their regret that they had not summary jurisdiction with respect to offenders under 16 years of age.

The House divided on the original question—Ayes 49; Noes 16:—Majority 33.

List of the AYES.

Acland, T. D.
Aglionby, H. A.
Aglionby, Major
Bailey, J.
Baines, E.
Barrington, Visct.
Bentinck, Lord G.
Bewes, T.
Blake, M. J.
Blennerhassett, A.
Bowes, J.
Bridgman, H.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Crompton, Sir S.
Douglas, Sir C. E.
Dugdale, W. S.
Dunbar, G.
Eaton, R. J.
Farnham, E. B.
Hayter, W. G.
Hinde, J. H.
Holmes, hon. W. A.
Hurt, F.
Jones, J.
Litton, E.
Lowther, J. H.
Miles, W.
Miles, P. W. S.
Morris, D.
Packe, C. W.
Rolleston, L.
Rundle, J.
Sandon, Visct.
Scarlett, hon. J. Y.
Sheppard, T.
Stanley, E.
Sutton, hon. J. H. T. M.
Thornely, T.
Townley, R. G.
Waddington, H. S.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Wood, Sir M.
Wood, B.

TELLERS.

Wilmot, Sir E.
Sanford, E. A.

List of the NOES.

Barnard, E. G.
Barneby, J.
Callaghan, D.
Corbally, M. E.
Darby, G.
Egerton, W. T.
Fielden, J.
Fort, J.
Hector, C. J.
Henniker, Lord
Pryme, G.
Salwey, Colonel
Turner, E.
Vigors, N. A.
Williams, W.
Wood, Colonel

TELLERS.

Johnson, General
Strickland, Sir G.

Bill read a second time.

HOUSE OF LORDS,

Thursday, February 27, 1840.

MINUTES.] Petitions presented. By the Marquess of Normanby, from one place, for the Establishment of a Rural Police.—By the Duke of Argyle, the Earls of Galloway, and Aberdeen, and the Marquess of Bute, from a number of places, against the Intrusion of Ministers into Parishes against the wish of the Parishioners.—By the Bishop of Llandaff, and the Earl of Errol, from several places, for Church Extension.—By Lord Teynham, and the Earl of Radnor, from a number of places, for a Free Pardon to Frost, Williams, and Jones.—By Lord Portman, from the Board of Guardians of a place in Somersetshire, against the Beer Laws.

CHURCH OF SCOTLAND.] The Earl of *Galloway*, in presenting a petition from the town of Castle Douglas, in Scotland, against the intrusion of Ministers into non-consenting congregations, stated that the petitioners represented that the necessity of the intervention of the Legislature was imperative, and prayed the subject might be brought under the immediate consideration of Parliament. He was instructed that the petition was not only numerously, but very generally, signed by the various denominations of persons residing within the district. He did not wish in the present critical juncture of the affairs of the church of Scotland to give a premature opinion on this important question; but as, when the noble Earl on the bench behind him put a question to her Majesty's Ministers the other day with the view of eliciting the intentions of the Government in respect of it, the answer of the noble Viscount did not appear to him to be very cordially given, nor to have in it the promise of a speedy issue, he felt himself impelled to state to the House, for himself, and he believed he might state as much for every noble Lord connected with Scotland, that not a day passed that they were not receiving the most distressing representations of the fearful agitation of the public mind in the sister kingdom on this all engrossing topic. He had been informed that a deputation from the General Assembly had come up to London, and had been conferring with the Government. He did not know if his information was correct—he hoped it might be. At any rate, he felt it his duty earnestly to entreat the noble Viscount, as he valued the peace and good order of society in Scotland, and much more, if he valued the religious interests and welfare of the people, he entreated him not to allow another month to pass over without using his best exertions to bring this matter to a settlement. He hoped he would not be deterred by the impossibility of passing a measure which should be satisfactory to all parties, but that he would bend his mind to the subject in such a way as to commend it to the well-intentioned and enlightened portion of the community.

Petition laid on the table.

HOUSE OF COMMONS,

Thursday, February 27, 1840.

Minutes.] Petitions presented. By Messrs. E. Buller, Ewart, Brotherton, M. Philips, and Hume, from a number of places, for the Repeal of the Corn-laws.—By Messrs. Darby, Slaney, Christopher, Sir Brooke Vere, and Colonel Lygon, from a number of places, for Church Extension.—By Mr. R. Curry, from Northampton, for a Free Pardon to Frost, Williams and Jones.—By Captain Wemyss, and Messrs. F. Maule, and Lockhart, from a number of places, against the Intrusion of Ministers into Parishes.—By Mr. T. Duncombe, from Exeter, for the Release of John Thorogood, the Abolition of Church Rates, and against the Jurisdiction of Ecclesiastical Courts.—By Mr. Blair, from Edinburgh, against any further Grant to Maynooth College.—By Mr. Hume, from Macclesfield, for an Inquiry into the Principles of Socialism.—By Mr. Ewart, from Donegal, for an Extension of the Franchise, and Corporate Reform in Ireland.

Controverted Elections.] Mr. *Ord* brought up a report from the General Committee of Elections, stating that some difficulties and irregularities had occurred in the proceedings in reference to the Ludlow election, in consequence of the parties engaged in supporting the claim of the sitting Member not having been duly served with the proper notices. The committee, therefore, recommended that further time should be granted by the Orders of the House Nos. 1 and 2 being discharged. The hon. Member moved that the report be printed, and gave notice that on the following day he would move that the Orders be discharged, and that the petition of George Cooper and others be referred to the General Committee of Elections.

Sir *G. Clerk* perfectly agreed with the hon. Member for Newcastle, that the report should be printed, and the subject brought under the consideration of the House to-morrow. But, feeling great anxiety for the success of the new act for deciding controverted elections, he wished to call the attention of the House to some other irregularities which had taken place. He understood the report referred only to no notice having been served on those who appeared in support of the sitting Member. But he believed that no notice had been served on the electors who originally petitioned against the return. If he had been correctly informed, the messengers, instead of delivering the notices to the persons who petitioned against the return, had left them with the agent of the sitting Member. He wished to have this matter explained, and therefore, he should move that Mr. Rose, the clerk attending the General Committee on Elections, Stein, the messenger, and Poyndexter, the assistant-messenger, be called to the bar of the House on the next day to explain how it was that the notices were not served on the proper parties.

Both motions agreed to.

Writ for Perthshire.] Sir *G. Clerk* was anxious to call the attention of the House to a matter which was important, because it was connected with the exercise of their privileges. It would be recollected that on Friday evening last the Speaker was directed to issue his warrant for a new writ, for the election of a commissioner to serve in Parliament for Perthshire, in the room of Viscount Stormont, who had succeeded to the title of Viscount Stormont of Scotland. He believed that a writ was issued from the Crown-office, and despatched that evening to Perthshire, which was not in conformity with the rules of the House, as it directed the election of a commissioner for Perthshire, in the room of Viscount Stormont, who had been called up to the House of Peers as the Earl of Mansfield. In the course of the same evening the error was discovered, and a second writ was despatched by the mail on Saturday morning, in conformity with the rules of the House. As election writs were not issued by any officer under the authority of the House, but of the Crown, as the orders of the

House ought to be strictly executed, and as this was the first instance, he believed, in which such an error had been committed, he should move that the deputy-clerk of the Crown be ordered to attend at the bar of the House to-morrow for the purpose of explaining how the error had arisen.

Mr. *F. Maule* thought that the course pursued by the right hon. Baronet on this question was correct and proper. No doubt an error had been committed on the occasion in question; in fact, it was publicly known that two writs were issued. But the clerk of the Crown would unquestionably be able to explain how the mistake occurred. He knew nothing beyond what he had gathered from a statement made by the clerk himself. He had no objection to make to the motion of the right hon. Baronet, but would, on the contrary, second it.

Motion agreed to.

PRIVILEGES OF SERGEANTS AT LAW.] Mr. *Ewart* rose to move for a copy of the warrant of his late Majesty King William 4th, under which the Court was opened to the King's counsel and outer barristers, and which was published in that court on the 25th day of April, 1834. Returns of the number of actions commenced in the Court of Queen's Bench, Exchequer, and Common Pleas, respectively in each year, for the period of five years prior to the publication of the said warrant, and five years subsequent thereto. Return of the date at which the Court of Common Pleas gave its judgment, determining no longer to hear Queen's counsel and outer barristers, but to restore an exclusive privilege to the sergeants. Returns of the number of clauses and rules standing for argument in the said courts respectively in the special paper, new trial paper, peremptory paper, or paper for enlarged rules, crown paper, and with paper, if any, kept in the said courts, for the entry of arrears, on the first day of each term within the same period. Return of the number of days after each term appointed by the same courts respectively for sitting under the provision of the Act 1 and 2 Vic., c. 32. Return of the number of causes, distinguishing between special jury, common jury causes, and standing for trial at *nisi prius* in each of the said courts in London and Middlesex on the first day of sitting, within the same period. Return of the number of summonses taken out at the Chambers of the Judges of the Court of Common Pleas in the months of January and February respectively in 1839.—This subject had, so long ago as the time of Lord Hale, attracted notice, for his Lordship had expressly stated the binding up of the Court of Common Pleas to the sergeants as a great advantage to the court. The next occasion on which those exclusive privileges were called in question was in the reign of George 2nd, in the year 1755. In that year a bill was introduced for the purpose of opening the Court of Common Pleas to the bar in general. From circumstances into which he need not enter, that bill did not pass into a law. The next occasion on which those exclusive privileges were referred to, was by the appointment of a commission under the auspices of the right hon. Baronet, the Member for Tamworth, which commission reported on the state of the law courts in 1829. The commissioners recommended some alterations with respect to the exclusive privileges of the sergeants, but their report was not acted upon, nor was anything further done on this subject until 1834, when, at the suggestion of Lord Chancellor Brougham, a Royal warrant was issued, opening the Court of Common Pleas to the bar in general; and from the date of that warrant to the end of last year it continued an open court to all the bar. A case, however, was brought before the Lord Chief Justice in the Common Pleas, and he was called upon to decide whether, by law, the sergeants possessed this privilege or not. The court decided that the sergeants possessed the privilege, and since that time the court had been closed against the bar in general, leaving the exclusive privilege as it was before, in the power of the sergeants. The object for which he moved for these returns was, to show what was the effect of opening the Court of Common Pleas to the bar, and what had been the effect of closing it—what had been the effect with respect to the treatment at the bar, and what had been the effect with respect to the interests of the public. He did not see the learned Solicitor-general in his place, but he could not suppose that the hon. and learned Sergeant would be inclined to oppose him. His hon. and learned Friend had lately stood up for the privileges of the House, and he did not think that, having advocated the privileges of the House, for the sake of the public, he would, against the interests of the public, advocate the exclusive privileges of the sergeants. He was convinced that the same respect for the public rights which induced his learned Friend to support, so strenuously, the privileges of the House, would prevent him from excluding the bar from the Court of Common Pleas, which also was for the public good. As he understood the returns he was moving for were not to be opposed he would not further detain the House, as it was his intention to found a motion upon them. He would content himself, therefore, with moving for the returns as they stood in the paper.—Ordered.

Post-Office Accommodation.] Mr. *Wallace* rose pursuant to notice, to move,

"That it is the duty of the Postmaster-general to afford all reasonable facilities and accommodation to communities who have not a post-office or a post at present, especially to such as have a desire to send their letters openly and legally, and who shall apply to the Postmaster-general for the usual means of doing so: that the case of more than 1,000 inhabitants in the parish of Bowden, in the county of Roxburgh, as represented in their petition to this House, is one of great hardship, and directly in point; therefore, that the prayer of the petitioners should be granted, by the Postmaster-general, affording to them similar post-office accommodation to that enjoyed by their neighbours in the adjoining parishes."

The House would recollect that a petition upon this subject had been presented; that the inhabitants of the district to which he referred had expressed their willingness to defray the expenses of a post-office in their own part of the country, if the Postmaster-general would appoint a person to that situation. He was quite aware that the Post-office had recently been put to a great deal of trouble by the new regulations, but when the immediate consequences of these fresh arrangements had passed away, he was sure that the Postmaster-general himself would see the necessity of making a total change in the management of the country post offices. He had recently received a letter from a gentleman in Leicestershire, describing the condition of that part of the country as regarded post-offices. Between the towns of Leicester and Nottingham, of Melton-Mowbray and Market Harborough, there was no immediate post-office communication; they had coaches enough, but no direct post-office communication, and there were many places in Kent and Essex, as well as in other parts of the country, which were similarly circumstanced. He felt perfectly satisfied that any improvement in this respect would greatly conduce to an improvement of the revenue derived from the Post-office, and he was equally certain that in the present year the deficiency in that revenue would not by any means be so great as the opponents of Post-office reform were disposed to anticipate. He did not believe, that the deficiency would amount to anything like 1,200,000*l.* or 1,400,000*l.*, but, on the contrary, he felt perfectly convinced that it would not exceed 700,000*l.*, and that the subsequent improvement in that branch of the public income would fully repay the loss. The letters now passing through the Post-office were triple the number that passed previous to the alteration in the rates of postage, and in many places they had increased fivefold. In Newcastle they were now four times the number that they had been. In Dublin they were fivefold, and in various parts of Ireland three and fourfold. At first the new system could not possibly give universal contentment, but he had confident hopes that the effect of the stamps proposed to be used would be to afford great public accommodation. The whole of the change made was one of immense importance to the community at large, and therefore they ought not unduly to complain of any deficiency which it might occasion; but the representatives of the people should look attentively to the means which were to be adopted for supplying that deficiency; and now that they had taken a burden off the poor, they should not consent to a fresh burden being imposed in lieu thereof upon the same parties; they should rather make the rich pay the expense of the improvement. It occurred to him that there were three modes in which the deficiency might be provided for: one was an equalized legacy duty, affecting real equally with personal property; the second would be a fixed duty upon corn; and the third a property tax.

The *Chancellor of the Exchequer* declined to follow his hon. Friend through the whole of the observations which he had addressed to the House, but should rather content himself with shortly stating the grounds upon which he thought it his duty to oppose the resolution. When the arrangements for carrying the plan of penny postage into effect were about to be adopted, his noble Friend the Postmaster-general brought before him a statement of what might be done for the purpose of extending the system of the Post-office; and it could not be denied that since then, as well as before that time, a considerable extension had been accomplished. In consequence, however, of the great increase of correspondence since the introduction of the new system he took upon himself to direct that no steps should for some time be taken with any view to an extension of the Post-office department, and he recommended his noble Friend to make no change that could be avoided till the pressure of the great transition to the penny postage had in some degree abated. He admitted that it was the duty of the Postmaster and of the Government to extend the system of the Post-office as widely as possible, not only as an accommodation to the public, but as a valuable source of revenue; yet still it must be felt that the present was not the proper moment to press the Government or the Post-office for any changes that could possibly be postponed, and he hoped that his hon. Friend the Member for Greenock would withdraw his motion.

Mr. *Lucas* thought there would be great public advantage in having a map of the United Kingdom, displaying the Post-office accommodation, and the proportion which it bore to the wealth, population, and general circumstances of each district.

Mr. *Hume* hoped, that his hon. Friend the Member for Greenock would not, under present circumstances, press his motion.

Sir *R. Peel* said, that he wished to take that opportunity of inquiring from the right hon. Gentleman opposite, the Chancellor of the Exchequer, when the House might expect to have laid before them the returns relating to the Post-office, which had some time ago been ordered; he wished also to know how soon it was probable that stamped covers would come into general use.

The *Chancellor of the Exchequer* regretted that he was not in a position to say how soon it would be in the power of the Post-office to introduce stamped covers. It was intended in the first instance to limit their use to the twopenny post district—at all events not to extend them beyond the local posts, so as to keep their operation within the immediate view and knowledge of his noble Friend at the head of the Post-office, and after the experiment had been tried upon a small scale, it was proposed to effect its general adoption. Various difficulties had presented themselves in the course of the measures which had been taken with reference to the stamped covers; there had been some mechanical failures in carrying the designs into effect, and, owing to several causes, he did fear that some time must elapse before they could be brought into general use.

Sir *Robert Peel* said, that he presumed the right hon. Gentleman opposite meant by the twopenny-post district that which formerly was subjected to a twopenny rate, and that which now formed the London district.

The *Chancellor of the Exchequer* replied, that that was what he meant. The object with which it was proposed to limit it to that district was for the purpose of having the working of the stamped plan as much as possible under the eye of the General Post-office. The returns to which the right hon. Baronet, the Member for Tamworth, referred, were in course of preparation, and he hoped before long that it would be in his power to lay them on the Table of the House.

Sir *R. Peel* agreed that there was likely to be considerable advantage in making a partial experiment. He thought that the right hon. Gentleman opposite ought to consider well the proposition for having a special cover for the London district, and there could be no objection to its having a general circulation if posted within the district, as was the case with the printed covers now used by Members of Parliament. They must be put into a particular office, but might be carried to any part of the United Kingdom.

Motion withdrawn.

ORPHANS OF SOLDIERS.] Mr. *Langdale* said, that he had intended to move for "An Address to her Majesty, that she would be graciously pleased to direct the Commissioners for the Asylum Schools of Chelsea, Southampton, and Greenwich, to make such modifications in the regulations therein in force, as may secure to the children of Catholic and Protestant Dissenting soldiers and sailors, if duly qualified, the benefit of those establishments without the sacrifice of their religion;" but he would first ask the Government a question, and if that were satisfactorily answered, he would not occupy the time of the House by proceeding further with the subject. The question he wished to ask was this—whether or not with respect to the children alluded to in his motion, the necessity of their being instructed in the principles of the Established Church, if their parents dissented from those principles, might not be dispensed with; and, secondly, whether they might not be allowed on Sunday to attend their own place of worship?

Mr. *Macaulay* said, that considering how very large a proportion of the army and navy was composed of persons conscientiously dissenting from the Established Church, he was quite sure that no Gentleman in the House would say the rewards which those gallant men had earned in the service of their country should be withheld from their children in consequence of their religious dissent. He could never adopt such a doctrine; but at the same time, any change in the establishments referred to by the hon. Member should be made with great care and caution; and if the hon. Member would consent to withdraw his motion, he would assure him that the subject should be immediately and seriously considered by the Government, with the most earnest desire to do everything that could be required for the end he had in view. At the same time he would just say, that as far as he was concerned, he foresaw no objection to the children attending their own place of worship, and not being compelled to learn the Church catechism.

Mr. *Langdale* said, that after the assurance he had just received from the right hon. Gentleman, he would not press his motion.

PENSION TO SIR J. NEWPORT.] Mr. *Liddell* said, that in rising to move the resolutions of which he had given notice, he must express his satisfaction, that on this question the Government seemed determined to show fight. For the champion they had put forward on this occasion he entertained the highest possible respect; but, at the same time that he expressed that respect, he could not compliment the noble Lord on the choice of his weapons, for an amendment more pointless or tame than that of the noble Lord he had never seen. Before he called the attention of the House to the resolutions which he had himself proposed, he must beg leave to examine the amendment, so called, of the noble Lord. It concluded by stating—

> "That it appears to this House that the right hon. Sir J. Newport, in his official capacity of Chancellor of the Exchequer in Ireland, exerted himself to the utmost to restrain useless expences, to promote education, and to improve trade and intercourse between Ireland and the other parts of the United Kingdom; that while in the said office he directed, and after leaving office suggested, various inquiries which led to the adoption by Parliament of measures highly conducive to the better administration of the law, and beneficial to the revenue."

That was put in a great number of words, but all it meant was, that during the time Sir John Newport held an official appointment in Ireland he had endeavoured to do his duty. It amounted to nothing more. Since the first discussion on this question he had taken the advice of the noble Lord, and had referred to those periods when Sir John Newport was in an official capacity in Ireland, and was now willing to admit, that he had no fault whatever to find with the right hon. Gentleman during the short period that he filled the office of Chancellor of the Exchequer in that country. The chief object, however, which he had affected was establishing the principle of a free intercourse of trade between Great Britain and Ireland. But Sir John Newport was not to found his claims to the approbation of this House on being the sole advocate of that measure. He was prepared to assert, that that question had been fully considered by those great men who had carried the union; and Mr. Pitt himself was long aware of the necessity of doing away with the restriction on trade between the two countries. Sir John Newport, therefore, had not followed out his own suggestions or that of the Government to which he belonged, but one which was almost self-evident, and had been deemed necessary ever since the period of the union with Ireland. The noble Lord's resolution went on to say—

> "That after serving for five years in the honourable office of Controller of the Exchequer, being then upwards of eighty years of age, and afflicted with bodily infirmity, he

withdrew from public life, respected for the unblemished integrity of his character, to pass in retirement the remainder of his days."

Now, that part of the resolution was not strictly correct. Sir John Newport had withdrawn from public life before he received the appointment of Controller of the Exchequer. In his last address to his constituents at Waterford, Sir John Newport said, that from bodily infirmity he was unable to perform the duties of a Member of Parliament, and he therefore withdrew from the representation; he then withdrew from public life, and yet subsequently received the office of Controller of the Exchequer. He (Mr. Liddell) had no hesitation in expressing his opinion, that the original appointment of Sir J. Newport to the responsible and effective and active office of Controller of the Exchequer, was an injudicious appointment, and not made in the true spirit of the Act of Parliament which created that office. On looking to that Act of Parliament, and to the debate which took place when the bill for that Act was introduced, he would say it was never intended, that the office then to be created was to be a sinecure office, but that, on the contrary, it was to be a highly active and responsible office. And to appoint to that office a gentleman at an advanced age, and who had previously retired from public life, was in its commencement injudicious and improper. The noble Lord's resolution then went on to say—

> "That considering that Sir John Newport was not in affluent circumstances when he thus withdrew from office, this House is satisfied, that a grant of a pension to a retired Controller of the Exchequer in circumstances so peculiar cannot be drawn into a precedent in favour of persons who have not 'just claims on the Royal beneficence, and are not distinguished by the performance of duties to the public.'"

Now, the noble Lord might assume, that this grant of a pension to Sir J. Newport could not be drawn into a precedent, but he in his resolution went further, for he contended, that it ought not. He disputed the noble Lord's assumption. If the House took it for granted, it was begging the question, and he would warn them, that most assuredly it might, and would, be drawn into a precedent on future occasions. He would remind the House, as he had expressed it in one of the resolutions which he had the honour now to propose to them, of "the great importance of keeping the Controller General of the Exchequer independent of the influence of the Crown." If, then, a Controller of the Exchequer after a term of service was to be pensioned off according to the will of the then existing Government, he would ask the House what would become of the independence of the office? Was anything easier than that a future Controller of the Exchequer should apply to the Government, and say he was very anxious to retire, and to place at their disposal one of the most honourable offices under the Crown; and that, therefore, if according to the precedent established in this case, the Crown were willing to grant him a pension — which after this example he might have very just reason to expect — for the faithful performance of his duty, and the Government were willing to accept his resignation, they might appoint some other person in his place, but not allow him to retire without a pension? It was incumbent on the House to come to such a vote as would put all chances of such future jobbing out of the power of the Government. After noticing the latter part of the noble Lord's amendment, he had almost forgotten to refer to the former part of it; but he must say it required some little study to find out the enigma which that part contained. All he could gather from it was, that, let Parliament hold what language it pleased, and make what regulations they thought proper for the public service, even if an act were passed for the purpose by the Legislature of the country, means would still be found, if the will existed, for, he would not say corrupt, but a jobbing Government, to evade and set at nought those regulations which the House in vain attempted to impose. If there were any meaning at all in the first part of the noble Lord's amendment, it was that, if there were any further meaning in it, the noble Lord, and not he, was the person to unriddle it. Now, after having observed on the amendment of the noble Lord, he hoped he might be permitted to make some observations on the resolutions which he was about to propose. Those resolutions appeared to flow very naturally from the principle which he had attempted to lay down, and which he considered was embodied in the Act of Parliament referred to by him when this matter was first brought forward. His first resolution was,

> "That it appears that the said Comptroller-general filled the office of Chancellor of the Exchequer for Ireland during the period of thirteen months only — namely, from the month of February, 1806, to the month of April, 1807."

What was the warrant under which Sir John Newport had received his pension? The grounds on which his pension had been granted might be divided into two parts—the one, for zealous and efficient service rendered to the public during the period that he was out of office, and the other for similar service rendered whilst he was in office. He thought, that the House on the former discussion had given its assent to this great principle—that although some cases of necessity and exception might arise, yet to lay down as a principle that a mere public and Parliamentary life, independent of official service, ought to be rewarded with a pension, was most dangerous, especially considering the power of the Crown to grant pensions in these days. He thought, then, he was entitled to say, that in respect of his Parliamentary life, Sir John Newport was not entitled to a pension. As to his official service, let the House see on what ground the pension could be claimed. The act of 4 and 5 William 4th, c. 24, said,

> "That no person is qualified to receive any pension on the ground of public duties performed in the highest offices of the state, unless he shall have continued in the performance of such duties for a period of two years at the least."

And it was, therefore, perfectly clear, that Sir John Newport had no claim to a pension for the time he performed the duties of the office of Chancellor of the Exchequer in Ireland; as that period was only thirteen months. The right hon. Gentleman then came to the office of Comptroller of the Exchequer, and with respect to that office, one of his (Mr. Liddell's) resolutions went on to say,

> "That it appears that it was also especially provided by the said act, 4 and 5 William 4th, c. 24, that the holder of the office of Comptroller of the Exchequer should be precluded on his retirement from that office from all claims to any of the pensions which the Crown was thereby empowered to bestow for civil or political services."

It was, therefore, perfectly clear, that for his service as Comptroller of the Exchequer Sir John Newport had no claim to a pension. He had thus divided the life of that right hon. Gentleman into his public and Parliamentary life, and his official life, and had shown, that for the former the House could not allow the principle of granting pensions, and that for the latter he was precluded from all claim to a pension by the act. But the Government said they admitted all this, and he therefore could only suppose, that this pension had been granted on what they considered as a positive claim, because the two negatives made an affirmative. He had already reminded the House of the great importance set forth indeed in the Act of Parliament itself, and recognised by them, of keeping the Comptroller of the Exchequer wholly independent of all possible influence of the Crown, and he would now go forward to that resolution which he was about to propose, and which referred particularly to the act of the 1st and 2d of Victoria:—

> "That it appears, that provision was made in the act of the 1st and 2nd Victoria, c. 2, that the sum which her Majesty might be empowered to grant in pensions on the Civil-list in any one year should not exceed the sum of 1,200*l.*; and that, in conformity with a previous resolution of this House, such pensions should be granted to such persons only as might have just claims on the royal beneficence, or who by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts, had merited the gracious consideration of the Sovereign, and the gratitude of the country."

But this much he must say—as far as he could learn, by reference to the list of pensions granted since that resolution was passed, the spirit of that act of the 1st and 2nd of Victoria had been rigidly adhered to, and he believed, that no fault whatever could be found with the pensions which had been granted by the Crown since that time. He was, therefore, most anxious that the House should affirm the last resolution which he had the honour to propose. It was this:—

> "That, considering all these circumstances, and more especially the great importance of keeping the Comptroller-general of the Exchequer independent of the influence of the Crown, as also of insuring a strict adherence to the spirit of the resolution of this House on the subject of Civil-list pensions, this House deems it expedient to express its decided opinion that the grant of 1,000*l.* a-year to Sir

John Newport, under the warrant before mentioned, ought not to be drawn into a precedent."

It was perfectly clear, that his resolutions were very mildly worded; but he considered it much safer and wiser, rather to understate than attempt to overstate the case which he wished to establish, and which he hoped the House would assent to. But, although his resolutions were so mildly worded, they called upon the House to recognise two great principles; the first, of keeping the Comptroller of the Exchequer independent of the influence of the Crown; and, secondly, to adhere strictly to the resolution they had passed on the subject of granting pensions. He brought forward this question on public grounds, on account of the principle and manner in which this pension had been conferred; but the noble Lord in his amendment had put the argument altogether *ad misericordiam.* To that part of the subject he had no wish to direct the attention of the House; he had no wish to exercise any sort of harshness towards the right hon. Gentleman, nor to withdraw from him the pension he enjoyed. On a question of this sort, when so much might be said concerning the question of pensions and the propriety of granting them, he had thought it right to look into the list of pensions granted since the resolution passed the House; and, as he had stated before, he saw in that list no reason to find fault. He conceived that the spirit of that resolution had been in all cases strictly adhered to; and, as far as he could judge, the individuals selected for those pensions had been eminently deserving of the favour conferred on them by the Crown. Among those names he found some that did honour to this, and would do honour to any other country; he found among them the names of Southey, Moore, Dr. Brewster, Miss Mitford, Miss Somerville, and several other eminent names. But there was one great name equal, if not superior, to any that he had mentioned, which he did not see in that list—the name of a man who had done more than any man who ever lived to open the heart to the most kindly influences of human nature, and to exalt it to the highest inspirations of poetry. He need hardly say that the name to which he alluded was that of Wordsworth. [An *hon. Member:* Mr. Wordsworth holds an office]. He was aware of that fact, and he had not brought forward Mr. Wordsworth's name by way of a reproach to the Government, but he must make one or two observations on the facts of the case. It was true that Mr. Wordsworth held a provincial office which afforded a tolerably respectable income, and an offer was made, undoubtedly in a spirit of kindness, and was received in the same spirit, to transfer Mr. Wordsworth's appointment to his son, and to place the name of Mr. Wordsworth himself upon the pension list. But the amount of the proposed pension was so much lower than that awarded to other persons of literary distinction, being, in fact, no more than 150*l.* a-year, that, although Mr. Wordsworth felt as little pride, perhaps, as any human being, a just and commendable self-esteem induced him to decline a provision by means of which his name would have appeared in the civil list in a situation inferior to those of other individuals whom he might, without vanity, consider not equal to himself. As he had already observed, he did not consider these facts as a reproach to her Majesty's Government, although it would have been a great satisfaction to him, as well as, he believed, to the House, to have seen Mr. Wordsworth's name placed on the same footing as those of other eminent literary men. Another instance to which he would advert, was one in which a small pension had been applied for on behalf of a person in humble life, but who was deserving of the highest praise and admiration. He referred to her with pride and satisfaction, because she was a fellow-countrywoman of his—he meant Grace Darling. Did hon. Members know the circumstances of the case? Did they know that this humble individual, residing on a barren rock, had, by her courage and determination, rescued no fewer than eleven of her fellow-creatures from destruction? Such an event could not take place without creating a great sensation in the neighbourhood of the scene where it occurred, and he knew that an application had been made for a small pension of 50*l.* a-year for life, for the female whose conduct was the subject of universal commendation. The application was not made because she needed to ask the public for means of support, she belonged to a family who were placed above want; but it was thought that a small pension might well have been so appropriated for the sake of example, especially under the reign of a female Sovereign. However, the pension was asked and refused. These were two cases which certainly did appear to present favourable objects for Royal consideration, but to these two cases he did not refer for the purpose of reproaching the Government. There was, however, one more case which had been brought under his notice within the last eight-and-forty hours, and he believed a more melancholy narrative it never was the lot of any hon. Member to lay before the House; it would show how far her Majesty's Government was disposed to dispense equal justice to all classes of the community. In the year 1800, a gentleman named Horatio Leggatt filled a situation in the office of taxes; in 1820, the solicitor to the office having retired, Mr. Leggatt succeeded him in his office at a salary of 1,500*l.* a-year. In 1833, Mr. Leggatt, after thirty-four years of public service, without the slightest imputation upon his character, and after enjoying the confidence of successive Governments as solicitor to the Board of Taxes, was compelled to retire, owing to the consolidation of the Boards of Stamps and Taxes, upon a retiring allowance of 1,300*l.* a-year. While he filled his official situation he had a residence annexed to his office, the value of which to him and his family might be estimated at an additional 1,000*l.* a-year, and there were besides emoluments arising from the situation, which made it altogether worth about 3,000*l.* a-year. In 1838, this gentleman having suffered grievously in his mind from the embarrassment consequent upon the reduction of his income from 3,000*l.* a-year to 1,300*l.* with a family of six children dependent upon him for support, put a period to his existence, leaving a widow with a jointure of 300*l.* a-year for her support and that of her children, the eldest being seventeen, and the youngest only two years of age. Under these circumstances, Mrs. Leggatt memorialized first the Chancellor of the Exchequer, and then the First Lord of the Treasury. One would have thought that this lady, the widow of a man who had for a whole term of thirty-four years, performed his duties to the satisfaction of the Government, might, under the circumstances of destitution in which she was placed, have used successfully the *argumentum ad misericordiam* which the noble Lord who had moved the amendment to the present motion, had placed upon the votes. He held in his hand the answer of the Chancellor of the Exchequer, to the application made on Mrs. Leggatt's behalf:—

"Downing-street, August 22, 1839.

"Sir,—I am desired by the Chancellor of the Exchequer to acknowledge the receipt of your letter of the 20th, and to express his regret that your former communication should have remained unanswered. He directs me to inform you, that it will not be in his power to relieve Mrs. Leggatt in the object she has in view, as it does not belong to the business of his department to submit for Her Majesty's gracious consideration the applications that may be made for the grant of a pension. This duty, he desires me to add, is confined to the First Lord of the Treasury.

"I have the honour to be, Sir,
"Your obedient servant,
"W. Leake, Esq. "R. BOURKE."

In consequence of this letter, Mrs. Leggatt applied to Lord Melbourne, from whom she received the following reply:—

"Downing-street, Sept. 5, 1839.

"Madam,—I am desired by Viscount Melbourne to acknowledge the receipt of your letter of August 30, and to inform you, that in consequence of regulations that have been laid down by the House of Commons with regard to pensions, he is unable to comply with your request.

"I have the honour to be,
"Your obedient Servant,
"Mrs. A. Leggatt. "E. HOWARD."

He wished to know whether this was equal justice? Could any one deny, that a just claim had been made out in this case for the gracious consideration of the Crown? Could any one deny, that if the First Lord of the Treasury could consistently with the regulations prescribed by Parliament have granted a pension in this case, he would have fulfilled a much more grateful task than that of carrying into effect what had been called, and would continue to be called, a job? He had brought forward these cases to show, that when a charge was made upon [the pension fund absorbing five-sixths of its whole amount, there was no superabundance, no plethora of revenue, arising from the absence of claims upon the fund. He had now one word to say with respect to the noble Lord who lately filled the office of Chancellor of the Exchequer, and now filled that of Comptroller. Who was it, that in his zeal for the public service (for to that alone his conduct must of course be attributed), and in despite of the great examples so often referred to on that side of the House, had moved for a select committee to consider the merits of all the existing pensions, and overhaul the claims of those placed upon the list? Who but my Lord Monteagle?

> " ——— Mutato nomine de te
> Fabula narratur."

An hon. *Member:* It was a Government motion.

Mr. *Liddell:* But the Government selected the noble Lord to make out its case, and after doing that, he ought to have been the last man whom it should have chosen for this proceeding, which would never go by any other title than the Monteagle job,

> " Dat veniam corvis, vexat censura columbas."

Hon. Gentlemen opposite wished to get rid of the subject, and, without any disparagement to the hon. Gentlemen opposite, he would say, that whatever might be the noble Lord's qualifications as a financier, he possessed the power of making more of a bad case. He had seen the noble Lord extricate himself from situations in which his successor would be very likely to founder. The noble Lord now enjoyed his *otium cum dignitate*, in the peaceful and calm retreat of the Comptrollership of the Exchequer, where at length snugly moored, he laughed at the breakers from which he had just escaped, and listened to the murmurings of the distant storm. He wished the noble Lord health and happiness in his new office, and in that retirement which his social qualities were so well qualified to adorn; and, above all, he wished the noble Lord a complete independence from all influence on the part of the Crown. He would trouble the House no further; if his resolutions were, as they had been described, mild as milk, he hoped he should not see them diluted with water by means of the noble Lord's amendment. The hon. Member concluded by moving the following:—

" That it appears, by a copy of a warrant on the table of this House, that a pension of 1,000*l.* a-year, has been granted by her Majesty to the late Comptroller of the Exchequer on retirement from that office, on the ground of ' zealous and efficient services rendered to the public during a period of nearly half a century, in which interval of time he filled the offices of Chancellor of the Exchequer for Ireland, and Comptroller-General of the Exchequer for the United Kingdom.'

" That it appears that the said Comptroller-general filled the office of Chancellor of the Exchequer for Ireland during the period of thirteen months only, viz., from the month of February, 1806, to the month of April, 1807.

" That it appears, by reference to the Act 4th and 5th William 4th, c. 24 (by which the granting of pensions for political services was regulated), that no person is qualified to receive any pension on the ground of public duties performed in the highest offices of the State unless he shall have continued in the performance of such duties for a period of two years at the least.

" That it appears that it was also specially provided by the said Act, 4th and 5th William 4th., c. 24, that the holder of the office of Comptroller of the Exchequer, should be precluded, on his retirement from that office, from all claim to any of the pensions which the Crown was thereby empowered to bestow for civil or political services.

" That it appears that the person holding the office of Comptroller of the Exchequer, now constitutes the sole check (in lieu of all others formerly existing under the ancient regulations of the Exchequer) on the expenditure of all public moneys issued through the Exchequer by the authority of the commissioners of the Treasury; and it is specially provided that he should be incapable of holding any other office under the Crown in conjunction with such comptrollership, and should be irremovable from his office, except in pursuance of an address from the two Houses of Parliament, this officer being thus withdrawn from the exercise of any influence of the Crown over him in the discharge of his functions.

" That it appears that provision was made in the Act of 1st and 2nd of Victoria, c. 2, that the sum which her Majesty might be empowered to grant in pensions on the civil list, in any one year, should not exceed the sum of 1,200*l.*; and that, in conformity with a previous resolution of this House, such pensions should be granted ' to such persons only as might have just claims on the Royal beneficence, or who by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts, had merited the gracious consideration of the Sovereign and the gratitude of the country.'

" That, considering all these circumstances, and more especially the great importance of keeping the Comptroller-general of the Exchequer independent of the influence of the Crown, as also of ensuring a strict adherence to the spirit of the resolution of this House on the subject of civil-list pensions, this House deems it expedient to express its decided opinion that the grant of 1,000*l.* a-year to Sir John Newport, under the warrant before mentioned, ought not to be drawn into a precedent."

Viscount *Morpeth* said: Mr. Speaker, the hon. Member for North Durham stated, in the beginning of the conclusive and crushing speech which he has just delivered, that he was glad the Government had mustered courage to show fight on this question. I would humbly remind him that this is not the first occasion on which the Government has been induced to show fight in the course of the present session. And, Sir, I look upon it as a matter of no small or mean congratulation to the administration of which I have the honour to be an humble Member, that after an opposition to its principles, its measures and its existence has been formally announced, more keen, organised and determined than in any preceding year, and after we have heard it stated by authority, that those who carry on that opposition are ready and eager to oust us from our places, and substitute themselves in our stead—that the only topic in the wide range of all our domestic, our foreign, or our colonial policy, which they have selected for coming twice to the charge upon, is the pension which has been assigned to Sir John Newport. I must say that, after all the denunciations which have been thundered against us during the recess—as well as those which were bottled up for explosion after the opening of the session—I do feel relieved and reassured, to find that, of all our large misdeeds, this is the leading and crowning enormity. I do not wish to bandy epithets with the hon. Member for North Durham, with respect to the character of the resolutions which he has proposed, or the amendment which I wish to substitute instead of part of them. I can only say that, if my amendments are what he terms them, pointless and spiritless, anything better corresponding to the original resolutions I cannot well conceive. There is this difference, however, between our weapons, that while at all times some degree of point is expected in the spear with which an attack is to be made, we never look for it on the shield which is used for the defence, and which will be sufficient, in this case, if it can repel a pointless blow. With respect to the whole of that long string of resolutions which have just been moved by the hon. Member, they do seem to me to be of that colour and character that no man need feel much discomposed at the fate which may betide them. With respect to the greater part of them, as well as the considerations by which a case for them was attempted to be made, notwithstanding the terms of respect which the hon. Member has been pleased to speak of me, I cannot help designating them as most didactic twaddle. Notwithstanding the length to which the resolutions of the hon. Member ran, they do not yet seem to me to give a clear and full account of the subject with which they profess to deal. As the hon. Member has given a sort of historical review of the grounds on which pensions have been granted, in application to the case of the particular pension which he brings under our notice, I shall venture to suggest an addition of some particulars to his retrospect, and endeavour to clear up some of the grounds for the specific pension which is more immediately in question. With respect to the luminous resolutions of the hon. Member—the offspring of the great and united party opposite—I have to observe that all the first six, without pronouncing on the subject to which they lead, contain statements which no man could wish to contradict. For the most part, they are statements of plain, undisputed matters of fact. With the inference that is sought to be drawn from them, I shall presently have occasion to deal. For instance, with respect to the first resolution, we cannot wish to dispute the terms of the warrant for the pension of Sir John Newport, which we ourselves have laid, in pursuance of an act of Parliament, on the table of the House. We cannot wish to dispute the terms and conditions under which the office of Comptroller of the Exchequer is regulated. The sixth resolution of the hon. Member recites, and of course accurately, the terms and conditions under which grants of pensions are now regulated on the Civil List of the Crown. But with respect to what happened before on this question of pensions, it appears to me that the act containing the terms and conditions recited by the hon. Member, so far from embodying any new or unprecedented principles, did, in fact, only confirm and authorise anew the positive enactments of previous acts of Parliament. I have, therefore, thought it desirable to call the attention of the House, in the amendment of which I have given notice, to what has been enacted by previous acts of the entire legislature. The law under which pensions were granted by preceding governments, from 1782 to 1830, did not differ from that which has subsequently been in force. So far from it, I think if we refer to the terms of former acts we shall find that they give no foundation for the argument that the present Government has acted in contravention of regulations, which former Governments did not violate, because they did not then exist. Very many of the pensions which have been granted by preceding Governments, have been granted in contravention of the terms and conditions within which they ought to have been confined in accordance with acts of Parliament, and this was made manifest on the production of the list of pensions published at the request of the House for the information of Parliament and the country. In order to show what the previous regulations and understanding on which pensions ought to have been granted were before the adoption of the resolutions of 1834, and in order to point out the practice of preceding Governments who were in fact as much bound by the stipulations of enactments as the Government of which I am a Member can be bound by the words of the resolutions of the House of Commons, or by the enactment of the civil list of the present Queen, I propose to insert between the 5th and 6th resolutions of the hon. Member for North Durham the first resolution of which I have given notice. It recites :—

> "That by an act of 22 George 3rd, c. 82, it was declared, 'And whereas much confusion and expense did arise from having pensions paid at various places, and by various persons, and a custom hath prevailed of granting pensions on a private list during his Majesty's pleasure, upon a supposition that in some cases it may not be expedient for the public good to divulge the names of the persons in the said list, or that it may be disagreeable to the persons receiving such pensions to have it known that their distresses are so relieved, or for saving the expense of fees and taxes on small pensions, by means of which said usage, secret and dangerous corruption may hereafter be practised; and whereas it is no disparagement for persons to be relieved by the royal bounty in their distress, or for their desert; but, on the contrary, it is honourable, in just cause, to be thought worthy of reward,' &c.: That this limitation to persons in their distress, or for their desert, not having proved a sufficient check on the grant of unmerited pensions, this House, in the year 1834, entered into certain resolutions concerning pensions."

I think it desirable, as the hon. Gentleman has gone into grounds of pensions, to show that if, in years preceding 1830, any pension was granted by preceding Governments on other grounds than for distress or desert, those pensions were granted in contravention of preceding acts of Parliament. The resolution which I have read I propose to add to those to which I have already adverted, as moved by the hon. Member for North Durham, for the purpose of clearing up his statement of fact. But the last resolution of the hon. Member contains the expression of an opinion. Accordingly, it is my intention to move, as an amendment to the last resolution, two resolutions, conveying also an expression of opinion, but of opinion differing from that contained in the resolutions of the hon. Member. The difference consists in this, that whereas the last resolution of the hon. Member states, "that the grant of 1,000*l.* a-year to Sir John Newport ought not to be drawn into a precedent," the resolution which I shall have the honour to move, affirms that the grant of that pension "cannot be drawn into a precedent in favour of persons who have not 'just claims on the royal beneficence,' and are not distinguished by the performance of duties to the public." Now, the hon. Member for North Durham stated, that the tenor of this resolution was, that this pension could not be drawn into a precedent. He entirely misconstrued and misinterpreted the meaning, which is, that this pension having been fully deserved, cannot be drawn into a precedent for future grants of undeserving pensions. But now, what are the grounds on which I rest my preference, and which I hope the House will rest its preference, for the opinions expressed in my concluding resolution over that expressed in the concluding resolution of the hon. Member for Durham? First I say, I have no wish but that every part of the case, that the whole transaction, should be looked at, and sifted in every possible light. If there is one conceivable point in the whole transaction on which I can imagine that a person determined to find fault might lay his hand, it is the period of life at which Sir John Newport was first appointed to the office of Comptroller of the Exchequer. I can imagine such an objection having been felt and having been stated. But I do not think, throughout the very candid and fair remarks made in a preceding discussion by the right hon.

Baronet, the Member for Tamworth, that he at all questioned or censured the selection of Sir John Newport for the high and important office in question. But I can imagine such an objection having been felt and stated at the time. No such objection was stated at the time of the appointment. No such objection has been stated during the whole intervening period; no such objection is now stated, and I think, after the long acquiescence in it, none can fairly or properly be stated. The fact is, that none is now stated, implied, or conveyed, in the resolution, or by the hon. Member. With respect to ability in the performance of his duty while he held the office, no one who had observed the manner in which Sir John Newport discharged his functions, his constant and assiduous attention, would be inclined to call in question his competency, so long as he felt justified in retaining his office, and he retained it no longer. Before I address myself to anything stated directly in the speech of the hon. Gentleman, I must refer to one or two points, which, though very convenient to leave open for insinuations, sarcasms, and innuendoes, he has not had the courage or the consistency to insert in his resolutions. The courage would certainly have been a great, but the consistency an object of desperate attainment. The hon. Gentleman has permitted himself to convey that the retirement of Sir John Newport took place in order to enable the present Lord Monteagle to succeed to the office. And he then pelted poor Lord Monteagle with many hard epithets, and some not very new quotations. Now, with respect to that, though covertly insinuated, though darkly stated, though not contained in the resolutions, and though the House is not directly called on to express an opinion that the retirement of Sir John Newport took place in order to effect the succession of Lord Monteagle to the vacant office, yet to that statement I have to give the most distinct and unqualified contradiction on the part of all the parties concerned in the transaction. If there is any one who disbelieves the deliberate assurance of such parties, I can only say that I leave them most cheerfully to the latitude, the felicity, and the pride of their scepticism. In the year 1838, Sir John Newport, feeling, from his increasing infirmities, the discharge of the duties of his situation irksome and uncomfortable to himself, expressed from time to time to some Members of the Cabinet his disposition to be relieved from those duties. He was induced to consent to continue the possession of his office; but in the year 1839, being about to pay a visit to his native country, he solicited and obtained a personal interview with the first Lord of the Treasury, at which interview he placed the disposal of his office in the hands of Lord Melbourne. I have received the most distinct assurance that in the month of May last, if the right hon. Baronet opposite had succeeded in the formation of a permanent administration, he would have found the office of Comptroller of the Exchequer at his disposal. It is true that, on his return to the administration of affairs, Lord Melbourne did postpone accepting the resignation of Sir John Newport, and Sir John Newport did not give up the office till the end of the session. But so far from that retirement having the most remote connection with the succession of Lord Monteagle, not only was the office held by Sir John Newport offered, in the interval, to another person, but it is well known to many Members on this side of the House—it must be known to some on the other side —and can be known to none better than to yourself, Sir—that at that time, and for a long time after, the views of Lord Monteagle were centred on a totally different object. The hon. Member had stated that Lord Monteagle was one who was enabled to make, at all times, the most of a bad case. I regret that I cannot, upon this subject, return the compliment to the hon. Member. But, turning to his resolutions, I ask where are the grounds for the opinions which he endeavours to twist and torture into the last resolution that he has proposed. The first resolution is a matter of indisputable fact. The second and third resolutions say this:—

> "That it appears that the said Comptroller-general filled the office of Chancellor of the Exchequer for Ireland during the period of thirteen months only, viz., from the month of February, 1806, to the month of April, 1807. That it appears, by reference to the Act 4 and 5 Will. 4th, c. 24 (by which the granting of pensions for political services was regulated), that no person is qualified to receive any pension on the ground of public duties performed in the highest offices of the state, unless he shall have continued in the performance of such duties for a period of two years at the least,"

Now this is undoubtedly true. It is not pretended by any one that Sir John Newport had any title whatever to any retiring allowance or pension under the act which is there referred to, by reason of his official services; but then, whether he has not a fair claim to the favourable consideration of the Crown, by reason of his public conduct, whether in or out of office, that is a point which I shall consider in a moment. The two next resolutions go on to state—

> "That it appears that it was also specially provided by the said Act 4 and 5 Will. 4th, c. 24, that the holders of the office of Comptroller of the Exchequer should be precluded, on his retirement from that office, from all claim to any of the pensions which the Crown was thereby empowered to bestow for civil or political services." "That it appears that the person holding the office of Comptroller of the Exchequer now constitutes the sole check (in lieu of all others formerly existing under the ancient regulations of the Exchequer) on the expenditure of all public monies issued through the Exchequer by the authority of the Commissioners of the Treasury; and it is specially provided, that he should be incapable of holding any other office under the Crown in conjunction with such comptrollership, and should be irremoveable from his office, except in pursuance of an address from the two Houses of Parliament; this officer being thus withdrawn from the exercise of any influence of the Crown over him in the discharge of his functions."

But what is it we are to infer from the two resolutions I have read to the House? Is it that the person who has filled the office of Comptroller of the Exchequer is not only to be deemed as not entitled to any claim for a retiring allowance, or superannuation by reason of his tenure of that office, which is true to the letter, and which, considering the delicate and important nature of the office, as detailed in the resolution, is as proper as it is true; but is it also to be inferred that every person who has held that office in all times, if circumstances shall have compelled him to retire from the office, either by increase of years, or from a conscientious sense of his inability satisfactorily to perform the duties—is he, if there be other considerations, independent of his having held that office—circumstances connected with his former life, his former public services, and his present position and state of fortune—is he, if such circumstances render him as a fitting object for the bounty or favour of the Crown—is he to suffer because he has held the office of Comptroller of the Exchequer, and be debarred from the exercise of the fair discretion of the Crown? I believe it is sufficient to say, that it was enacted by act of Parliament, that the person holding the office of Treasurer to the Ordnance should not be entitled to any superannuation allowance, by reason of his having held that office. And yet that circumstance did not prevent hon. Gentlemen opposite, when they were in power, from giving a pension to Mr. William Holmes, who had filled that office, and, no doubt, upon considerations independent of the mere discharge of his duties in that office. In making that provision they did not bestow it, as it is given to Sir John Newport, a man at a very advanced age; but they gave a pension to Mr. Holmes's son, in the full bloom of youth and vigour of life. I do not, Sir, mean to question the propriety of that grant; but I only call attention to it, for the purpose of showing that the existence of a specific enactment in an Act of Parliament, that no one holding that office should receive a retiring allowance, did not prevent the preceding Government from making such a provision for such an individual or his family, that individual having held such an office, if they thought that the circumstances of the case rendered it desirable that there should be an exercise of their discretion in his favour Then the question is—do the circumstances connected with Sir John Newport warrant us in the exercise of such a discretion in his case? It becomes my duty to inquire this, in reference to the 6th resolution moved by the hon. Member for North Durham, which recites the well-known resolution of this House. It is this:—

> "That it appears that provision was made in the Act 1st and 2nd Vic., c. 2, that the sum which her Majesty might be empowered to grant in pensions on the civil list, in any one year, should not exceed the sum of 1,200*l.*; and that, in conformity with a previous resolution of this House, such pensions should be granted 'to such persons only as might have just claims on the Royal beneficence, or who, by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts, had merited the gracious consideration of the Sovereign, and the gratitude of the country.'"

The question that we have to deal with is this: to consider whether the case of

Sir J. Newport brings it within the conditions herein specified? In addressing myself to this part of the case, I beg to observe that I refer to it, not as a case of sympathy or of feeling, but solely as a claim of public justice. If I were appealing to such an assembly, common to the hon. Member and myself, I might, perhaps, mention that Sir John Newport had the good fortune of having as fags at Eton, such distinguished men as Lord Wellesley and Lord Grenville, and he obtained their respect and affection, which were ever continued during the busy period of his public life. I certainly do not mean to rely upon any such ground with this House. But, then, what has been the public career of Sir John Newport, which entitles him to that grant, and that public remuneration which he has now received. I shall state circumstances very plainly—I shall mention them perfectly unvarnished; for, unless the facts speak for themselves, any observation respecting them would be superfluous. Sir John Newport entered Parliament in the year 1804; he continued a Member of Parliament for thirty years. In the first year he succeeded in putting an end to the Union Compensation Commission, which was composed of five commissioners, who it was alleged, were obliged to sit once a-week, and who, I believe, really did nothing. In 1806, the only time in which he was in office, he was Chancellor of the Exchequer for Ireland. In that year of the tenure of office by him, he either originated, or carried through, or laid the basis for many important measures, and of these, the most essential certainly was the bill opening the corn trade between England and Ireland, for, before that time, the corn trade between the two islands, was under as strict a system of law, as that of England with foreign countries. This restriction, whatever might have been the intention of Mr. Pitt in effecting it, Sir John Newport induced Parliament to repeal. What has been the result of that measure? That Ireland has become the granary of England—its productions annually increasing; and every year has seen marvellous additions to the agricultural improvement of that country; and from that time, too, it has afforded the most profitable market for the manufactured produce of England. It may be safely said, that no enactment has tended more directly to the safety and the very existence of the whole empire. In the year 1806, Sir John Newport having provided for the animal sustentation, had also the merit of providing for their mental instruction. In conjunction with the father of my noble Friend who sits near me, the late Duke of Bedford, he took the first steps towards the establishment of any good general system of education in Ireland. By his advice the first royal commission of inquiry was issued, and on the fourteenth report of that commission it was that the noble Lord opposite (Lord Stanley) founded his system of national education. It was on that inquiry the noble Lord's system was peculiarly founded. In 1806, Sir John Newport instituted an inquiry into the Customs, which terminated in the abolition of sinecure offices in that department. The succeeding year he was not in office; but he still persevered in bringing abuses before the public, which he was the means of correcting. In 1810, he brought forward and effected the correction of abuses in the Treasury and the Post-office, and was in those respects of great assistance to Sir G. Shee. He moved, too, for an inquiry into tithes, and through his means, there was a report as to the commutation of tithes. In 1814, he proposed and carried, in the face of a violent opposition, and after prolonged discussion, by a majority of one, his motion for a commission to inquire into the state of the courts of justice in England, Ireland, and Scotland; and, in doing so, he rendered the proceedings in courts of equity and of common law less burdensome and much more expeditious for the suitors. That was a step of the greatest importance, and the utmost value to the community at large. I have here a Parliamentary return which refers to Ireland, and the reduction of costs to suitors in that country; and shows that whereas previously the average establishment of the Court of Chancery was 75,000*l.*, the saving has been 24,900*l.*; in the King's Bench the average establishment was 30,000*l.*, the saving has been 17,000*l.*; in the clerks of the Pleas and the Exchequer the total average establishment was 28,000*l.*, the saving has been 16,000*l.*; in the Court of Error the saving has been 400*l.*; and in the Judges' Registers the saving has been 3,500*l.* The saving on the whole completed by him amounts to 75,000*l.* in the courts of Ireland. During the whole of his career in Parliament, he never desisted from bestowing his earnest attention upon measures for the relief of the poor, and for removing the serious distresses that affect them in Ireland. In 1804, he brought forward the case of the lunatic poor. In 1806, he mainly contributed to the improvement in houses of industry and hospitals; and in 1819 he drew up that admirable report on the state of disease which has led to the establishment of fever hospitals throughout that country. With respect to the Church of Ireland, though a zealous advocate for the reform of that church, no man was also more zealous for promoting its real efficiency and welfare. He introduced, suggested, or aided in carrying various acts of the Legislature for putting an end to the evils of non-residence, and the abuses of pluralities—the union of large parishes—the abolition of the vestry-cess—a taxation of the first fruits of dignities — were first brought forward by him. All the provisions of the Church Temporalities Bill were suggested and advanced by Sir John Newport. The grand jury laws, public works, the salaries of county officers, were all remodelled at his suggestion, direction, or advice. In short there was no subject of great national Irish policy—there was no one detail, however trivial, that concerned the local administration of that country, to which he did not give, while he had a seat in Parliament or out of it, his unwearied supervision and continual attention. Almost every internal measure of improvement was the consequence either of the direct interference, or the salutary suggestion, or the hearty co-operation offered by him, and willingly accepted on many occasions by the party to whom he was opposed. At all times that he had the opportunity he was ever ready, and ever anxious, to carry into effect every good measure. I have mentioned several of those measures for which we are indebted to the vigilant control exercised in this House by Sir John Newport. I may say truly, that his deeds followed him. I own that I do not regret, in the position in which I am placed, and bound as I am by duty, as I am impelled by feeling, to have at heart the welfare of Ireland, to be called upon thus to recount the advantages conferred on her by her venerable benefactor, and to pay to him living this tribute—not, I am glad to say, tardily to record his merits before the silent bust, but to carry home the fame of his virtues across his threshold while he is living to receive it. It is contended by the hon. Member that being only one year in office, and having carried and assisted many measures, he was only discharging his duty in Parliament. The hon. Member for North Durham contends that the mere duties of Parliamentary life do not constitute a circumstance which can be regarded as a claim to the consideration of the Crown. Apply, then, this case to that of the illustrious countryman of Sir John Newport—Mr. Grattan. It is true that he received a magnificent provision from the Irish people; but suppose that no such grant had been assigned to that gentleman by the Irish people—will any man contend that though Mr. Grattan, who, it will be recollected, perseveringly refused to accept offices tendered to him at various periods of his Parliamentary career, for that reason, an administration who sympathized in his principles or revered his merits should be prevented from recommending him to the liberality of the Crown if circumstances called for it. Apply, then, the cases of Sir Samuel Romilly, and of Sir James Mackintosh—the greater part of whose lives and whose valuable services were given to the country in opposition. Look, also, to the pensions granted to the families of deceased statesmen, such as Fox, and Tierney, and Sheridan; and of whose lives the greater part, too, were passed in opposition. And let it not be told that official services should alone recommend gentlemen to the favour of the Crown. The right hon. Baronet, the Member for Tamworth stated, when this subject was last debated, in a spirit of self-application which I could not admire, that great good can be done to the country by Members in the Opposition. I cordially agree in the sentiment. I wish that the claims of those who may have been in Opposition should obtain consideration. But then it was contended the other night, that if there be a claim arising from Parliamentary services, it ought to be decided by a vote recorded within the walls of Parliament. I own that that course seems to me to be the reverse of expedient. I apprehend that is the tendency of the resolution on the paper which is about to be moved by the hon. Member for Kilkenny. The burdens of the country would, I believe, be greatly increased, if, in addition to the bounty of the Crown, there was also to be imposed on it the sums which this House might be inclined to grant. There would be the temptation to the canvassing parties in Parliament. It is true that pensions granted by the Crown on the civil list may call for the condemnation of Parliament; but the originating and canvassing for the proposal of pensions in Parliament would put matters upon a different footing, and would have a tendency to throw a misinterpretation and misconstruction upon the contests going on within the walls of Parliament itself. While the right hon. Baronet seemed to intimate his opinion of a grant for Parliamentary services being arranged by the vote of the House of Parliament itself—while the right hon. Baronet intimated that Parliamentary services should be remunerated by pensions—the only instance adverted to was that of Mr. Burke, who, it is well known, did not receive his pension in consequence of a vote of the House of Commons, but was placed upon the civil list by the Crown itself. I gather, then, that the feeling of the House is rather to leave the responsibility to the ministers of the Crown, than to the votes of the Houses of Parliament. But then the hon. Member who has proposed these resolutions, seems to have thought that the sum of 1,000*l.* was too large a grant to be taken in one year from that limited amount assigned to the Crown to distribute in any one year. I do not think it wise or salutary, after you have so far limited the discretion of the Crown as to the amount of pensions, further to question that limited discretion within the bounds to which you have assigned it, provided it can be shown that the pension has not been bestowed on an unworthy object, and that it is within the limits and resolutions established and requisite. Does then the case of Sir John Newport answer these conditions? Is he or not a worthy subject for the bounty of the Crown? I challenge the name of any person that is now on the pension list, highly graced and honoured as that list is, and I say that there is no name on that list that can feel discredited or disparaged by Sir John Newport's being placed along side of it. I may also tell the House that there are some names on that list, which could not be so easily put in such advantageous contrast with Sir John Newport. I do not know, from the spirit in which this motion and the discussion are carried on, but that we may be driven into that department of the subject. But, at all events, at this period of the debate, the case of Sir John Newport and of my resolutions, as combating those proposed by the hon. Member, do not stand in need of reprisals, and I shall not stoop to the use of any such weapons. Does the case of Sir John Newport fall within the limits and restrictions laid down by Parliament—is he one of those who, by their personal services to the Crown, and by the performance of duties, have merited the generous consideration of the Sovereign, and gratitude of the country? I trust that I have already sufficiently demonstrated that the case of Sir John Newport comes within these restrictions. But part of the argument of the hon. Mover of the resolutions goes to this—that we are, by making such a grant, neglecting the just claims of other parties. I think that it is a very questionable thing to do—to canvass the merits of persons who have not received pensions from the Crown. I think that the hon. Gentleman but ill-consulted the dignity of Mr. Wordsworth by the use he made of his name on this subject. I am one who must always rejoice to see the names of persons who have distinguished themselves by useful discoveries in science, in literature, and the arts, placed upon the pension list. Grants of this nature were made in the limited administration of the right hon. Baronet; and the still more limited, the more highly to his praise. Through his means, the pension list contains the names of many eminent persons of this description. That list has subsequently been made by Lord Melbourne to contain the names of several more; and I do hope that succeeding pension lists may have many such honourable appointments. But then I do not think it expedient that the claims of gentlemen of science or of literature, should be thought to assume anything like a regular or stipendiary character. There is another class of cases to which the hon. Gentleman has adverted—the case of those who have entitled themselves to consideration, in their respect for those who have boldly battled for their country in many of its most distinguished contests. None, I admit, can be more fitting objects for the royal bounty. But if the pension list is to be restricted to the applications of such claims, at once you will see overwhelmed the limited restriction of the Crown. I do not think that the settlement of this subject was intended to answer any such purpose. I hope that all claims and all cases shall have, and in their turn receive, the fair and patient consideration of the Crown and the country. The hon. Member does not wish to examine into the services in Parliament of such a man as the great subject of these resolutions. He would remove from all consideration of the Crown, such a man as Sir John Newport. What, then, were the words of the amendments, which I have the honour of placing in your hands? They are these:—

> "That it appears to this House, that the right hon. Sir John Newport, in his official capacity of Chancellor of the Exchequer in Ireland, exerted himself to the utmost to restrain useless expenses, to promote education, and to improve trade and intercourse between Ireland and the other parts of the United Kingdom; that while in the said office he directed, and after leaving office, suggested various inquiries, which led to the adoption by Parliament, of measures highly conducive to the better administration of the law, and beneficial to the revenue; that after serving for five years in the honourable office of Comptroller of the Exchequer, being then upwards of eighty years of age, and afflicted with bodily infirmity, he withdrew from public life, respected for the unblemished integrity of his character, to pass in retirement the remainder of his days."

I have had the good fortune of seeing him in that spot which he has selected for his retirement, and I can truly say, that he is one who closely answers the description of the great moralist and poet—

> "Whose active days benevolence endears,
> Whose nights congratulatory conscience cheers,
> The general favourite, as the general friend;
> Such age then is, and who would wish its end?"

I do not impute to the hon. Gentleman opposite, that he wishes the end of such a life. Heaven forbid I should impute any such wish to him! But it is because such is the tendency of the resolutions, that I have moved an amendment upon them—it is because I think that the tendency of those resolutions is to cast a cloud over the evening of his days, and to embitter the calm serenity of his parting hours—it is to counteract such a possible tendency, but at the same time to do justice to him, and to all parts of his life, that I now, Sir, put my amendment in your hands, to state that which the hon. Mover has truly said was the spiritless and pointless character of the resolutions he has moved.

Mr. *Leader* did not complain, that the noble Lord had characterized the speech of the hon. Mover of the resolution as didactic twaddle, while he must say, that the reply to it might be truly characterized as official twaddle and misrepresentation. It was difficult to understand what was the distinction between the resolutions proposed and the amendment submitted to the House—the one said, that this ought not to be drawn into a precedent—the other said, it cannot be drawn into a precedent—

> "Strange such a difference there should be
> 'Twixt Tweedledum and Tweedledee."

The noble Lord had referred to the provision that had been made for Mr. Holmes. It was a strange mode of defending a Whig job to speak of a Tory job. What did the Whigs mean by doing this? It only showed how vain and unmeaning were their professions when out of office. Why were the people, he would ask, agitated, and the public mind disturbed by the pretensions of the Whigs to purity, and their desire to put an end to pensions? The public, placing reliance on the professions of the Whigs, expected that that party would not look back to former days for precedents to establish jobs, but that, as they had promised, they would act for the public service, without jobbing public offices or lavishly expending the public money. It seemed from all he had heard and learnt, that there had been a succession and complication of jobs. He was very glad, that the hon. Member for North Durham had brought forward his resolutions, although he did not think them strong enough, because they enabled hon. Members to state what they knew upon the subject of these jobs, and thus enlighten the public as to the manner in which offices were jobbed, and pensions granted under the pure reign of the Whigs. To make the case clear to those who had not examined it well, there might be some Gentlemen on his left hand (the Ministerial benches) who did not wish the case to be examined. He could easily understand why they would not like examination. He trusted that he was able to state something himself upon this subject, and he hoped that others more competent would lay the matter quite open to the public, so that they might see all the foulness of this job. He must go back to the re-modelling of the Exchequer, for although there were only two parties, the public and the Government, several parties were put forwards before the public merely as the instruments of Government. In mentioning the names of such parties, he begged to be understood as by no means treating them with disrespect. In the first place, then, when the Exchequer was re-modelled, why was not Sir Henry Ellis appointed comptroller? He had held the office of Clerk of the Pells—he had a right to that office, and, according to the doctrine of the day, he had a right to compensation. He was a man of ability, of experience, of unquestioned integrity, in the prime of life, and fully able to the performance of the duties of the office. Why, then, was he not appointed? It was because in this case, as in all others, the public service was lost sight of in order to advance party purposes. The Whig party then thought it necessary to get rid of Sir Henry Ellis, and they dismissed him with a retiring pension of 1,400*l.* a-year, to which he had a clear right, and he did not blame Sir Henry Ellis for taking it. In considering this case, the House must bear in mind, that a certain amount of the public money had been in his opinion improperly spent in this matter, and to a certain degree jobbed. When the right hon. Baronet opposite (Sir R. Peel) came into office during the year 1834, the name of Sir Henry Ellis was found in the list of persons receiving public money, being able to perform public services, but unemployed, although willing, and indeed anxious, to be employed. Sir Henry Ellis was asked, he believed, whether he had any objection to go back to Persia as ambassador, and his answer was, that he would prefer some office nearer home, but that if the Government chose to employ him, rather than receive the public money in idleness, he should accept the office. It was arranged that Sir Henry Ellis should go out as ambassador. Then came the dismissal from office of the right hon. Baronet, and the pure Whigs returned to office. Then, as upon the occasion of the re-modelling the Exchequer, it was found inconvenient to employ Sir Henry Ellis in any permanent office, and he was sent to Persia, merely to congratulate the Shah, while another person was sent there as ambassador. There were no reasons except party reasons for not placing Sir Henry Ellis in the office of comptroller-general, and for these party reasons 1,400*l.* a-year of the public money was thrown away. He would next come to the appointment of Sir John Newport, and here he must say, that he would not utter a single word against that right hon. Gentleman, or against the very great services he had rendered to the public from the time when he was the lenient master of those distinguished fags Lord Wellesley and Lord Grenville. He thought that the noble Lord had a bad case to support. He was astonished that the noble Lord had put forward claims which only showed the weakness of his case. The noble Lord had stated, that Sir John Newport had been the means of saving to the public 75,000*l.* a-year of the public money. Was that a ground for giving a pension to a Member of Parliament? Did not many of the Members of that House come to that House pledged to economy and retrenchment, and were they to be paid for doing their duty? Upon that ground the hon. and gallant Member for Lincoln was entitled to a pension. The hon. and gallant Member had saved the country 20,000*l.* a-year out of Prince Albert's salary. He should like to know what amount of pension would be sufficient to show the gratitude of the public, and the sense they entertained of the service of saving public money—what amount would be sufficient to remunerate the hon. Member for Kilkenny for his public services if the principle of the noble Lord were adopted. The real fact was, that this claim was a very bad claim, and had no foundation whatever. If the Members of that House were to be paid for their public services, they would become mere competitors for the public money, and the public would be justified in saying, that men were not actuated by a wish to serve the public, but were thinking of the example of Sir John Newport, who got 1,000*l.* a-year because he saved 75,000*l.* It really showed, that the noble Lord had not a good case when he founded it on such reasons as these. The noble Lord had read a long list of motions which Sir John Newport had made in Parliament. He was very much dismayed at hearing that list read. It seemed to him to be a sort of incitement to Members to make as many motions as possible. The argument of the noble Lord was, " Give this man a pension because he has done his duty so well, and made such a quantity of motions." Of course the amount of the pension must be in proportion to the number of motions. [*Cheers.*] Without wishing to say a word against Sir John Newport, what could the noble Lord (Lord John Russell) mean by that very expressive cheer? He had not said a word against Sir John Newport. He believed that Sir John Newport was a very good master to Lord Wellesley and Lord Grenville. He believed that Sir John Newport did save 75,000*l.* to the public. He believed that Sir John Newport had done his duty as Chancellor of the Exchequer in Ireland, and he believed that Sir John Newport was a very good old man in Ireland at the present moment. But what of all this? It did not at all furnish a reason for giving him a pension, especially when he considered the way in which Sir John Newport was appointed to office, and the understanding on which he must have taken office. Having said thus much of the noble Lord's praises, he would come to the way in which Sir John Newport was appointed. At the time he was appointed it was clearly understood, as set forth in the Act of Parliament, that the Comptroller of the Exchequer had no claim for a pension on account of that office. That fact was undeniable. He believed the rule was, that no man employed in a public office could claim a pension on account of that office till he had served twenty-five years. When Sir John Newport was appointed, he was seventy-five years of age. It was, therefore, utterly, or at least, almost impossible, that he could become entitled to a pension by twenty-five years' service. That pension, then, was a violation of the Act of Parliament under which he was appointed. They were told that Sir John Newport retired on account of his great age and infirmities. That surely was an objection to appointing him at all. At the time of his appointment he had gone through a long and arduous Parliamentary life, and age and infirmity incapacitated him from performing the responsible duties of his office. What interpretation must any man put upon his appointment? It was plain that the Government of the day wanted to reward a steady old partisan for party services, and being afraid, in the teeth of their own professions and resolutions of purity, to give him a pension at once, they gave him this office as a stepping-stone to a pension. It seemed to him, that this was the way in which the appointment must be interpreted by every unbiased man of common sense. He came to the third part of the job, and he confessed, that it appeared to him to be infinitely the worst part. With regard to this part of the subject, every hon. Member would have the circumstances fresh in his memory. Towards the end of the last Session, the late Chancellor of the Exchequer had given such dissatisfaction to all commercial men, almost all, without exception, throughout the country, that the Government found they must positively get rid of him, or the commercial interests of the country would drive them from office. Having, then, found it necessary to get rid of this most inefficient Chancellor of the Exchequer — for he stated, without fear of contradiction, that Lord Monteagle was inefficient—the Government did not know what to give him as a sop. The Speakership at first suggested itself, and Members of the Government went round canvassing Members on that side of the House for votes. He stated this openly, and he knew that many hon. Members would bear him out in the statement. It was stated to him, "Spring Rice is unpopular as Chancellor of the Exchequer, he must be got rid of, and as you wish to get rid of him as Chancellor of the Exchequer, will you not vote for him as Speaker?" He plainly and openly answered, that he disliked Mr. Spring Rice as Chancellor of the Exchequer, but that he certainly would not vote for him as Speaker—that he thought they had better get rid of him as Chancellor of the Exchequer, and as to the Speakership, he proceeded to state, that if Mr. Spring Rice were put up as Speaker, he would be sure to be beaten. "Afterwards," said the hon. Member, "for our good fortune, Sir, we elected you." It was then necessary for the Government to find some other retiring place for the late Chancellor of the Exchequer; and as he supposed that right hon. Gentleman considered himself a very ill-used man in not being made Speaker, the Ministers were obliged to give him a most disproportionate reward for his party services, for he would not call them public services. When a man retired from office after long public service, he claimed generally one of two things. If he were a needy man, and wanted money, he would, perhaps, claim some good place, which would enable him to live comfortably. If, on the other hand, he was a man not caring so much for money, but caring for the honour and power which a peerage gave, he was entitled to the honour and power of the Peerage. In the case of the late Chancellor of the Exchequer there was an accumulation of rewards. Not only was a peerage not sufficient, but he added the very agreeable and well-paid office of Comptroller of the Exchequer. Having stated what his belief was of the way in which this office had been jobbed for party services, and against the interests of the public, he would like to call the attention of the House and of the country to one very important point of the case, as regarded the public money, occasioned by these proceedings. They might be told that it did not signify to so great a nation that 2,000*l.* or 3,000*l.* of the public money was given away. Now, he thought it signified a very great deal. That was the sort of argument which the reckless spendthrift used when he found his fortune embarrassed. Such a person would say, "it does not signify whether I spend a few thousands more or less, I am already half ruined, so that it can't make much difference." So the Government said, "we are under the necessity of raising new taxes, and it does not signify whether we raise a few thousands more or less." But the public did not feel so. The public generally, if not individually, felt the bad moral effect which such conduct had on the country. He asked, was the present a time for extravagance, and for jobbing in public offices, when amongst the working classes there was such great distress and discontent? He asked, was the present a time for giving a fresh argument against the institutions of the country? There was 2,000*l.* or 3,000*l.* a-year clearly thrown away. The arguments that would be founded on this job would make many more Chartists than twenty of the most violent speeches at the most violent public meetings. It was this want of consistency in public men—these hollow professions of economy and retrenchment—that made Chartists. It was the lavish expenditure of public money that made men begin to consider whether they could not form a system of Government under which the public money should not be lavishly expended, nor public offices jobbed. He thanked the House for the attention they had paid him, and he had only this farther to say, that it appeared to him, that the whole matter might be summed up in a very few words. It was a job, and not only a job, but a job perpetrated by those who professed a great abhorrence of jobs, and who got into office chiefly by that profession; and, to sum it up in the fewest possible words, and at the same time in the most expressive, to show that it was a gross and clumsy job—he would pronounce it a Whig job.

Mr. *Barron* rose to protest against what he must consider one of the most unfounded and shameless attacks upon one of the most honest, most indefatigable, and best men that had ever sat within the walls of that House. Never, he would venture to say, was there a man less open to attack, or more deserving of all praise for his public services, than his right hon. Friend, Sir John Newport. His right hon. Friend, unsubdued by failure and by opposition, had, by perseverance and ability, forced many most useful measures upon the most reluctant Governments. There was scarcely a branch of legislation, particularly as far as Ireland was concerned, in which Sir John Newport had not been mainly instrumental in effecting great and useful reforms. His successful exertions in the reform of the law in Ireland could be fully estimated only by those conversant with the subject. Was it not also notorious, that Sir John Newport had effected the reform of the Exchequer in Ireland, which led to the consolidation of the Exchequer of the two countries, and to a consequent great annual saving of the public money? Sir John Newport had never swerved from his principle, and it was well known that he refused office, and parted from the early friends of his youth, sooner than concede his principles on the Catholic question. The resolutions of the hon. Member for North Durham would have the effect of indirectly passing a vote of censure upon Sir John Newport for accepting his pension. If the Ministers of the Crown were wrong in granting this pension, Sir John Newport was wrong in accepting and retaining it. He believed, that it was the best-earned pension that was upon the list. He challenged inquiry into the pension list, and he would ask the House and the country to say, whether there was a name on the pension list to be put in competition with the name of Sir John Newport? He unhesitatingly said there was not one. He appealed to those connected with agriculture in Ireland, to state what the agriculture of that country would have been but for the exertions of Sir John Newport? Through his exertions mainly, the value of the land had nearly doubled; whilst it was notorious that the importation of manufactures from England had quintupled. The great object of Sir John Newport had been to bring the two countries as closely as possible into an union. He succeeded in the first great step towards that object, and had done more to unite the two countries than any man living. It might be said that, he had only done his duty as a Member of Parliament. Were Members of Parliament then the only persons who were to be excluded from rewards for the greatest services? Was a man to spend a long life of labour, of industry, of indefatigable zeal, of unflinching integrity in the public service, and to be deprived of reward because he was a Member of Parliament? They were, it appeared, to give pensions to poets, and the writers of penny twaddling romances, but men who laboured in that House for the public good were on no account to receive pensions. He honestly believed that never was a pension more honestly earned than that of Sir J. Newport. The effect of this vote, if carried in the affirmative, would be felt by his right hon. Friend as he was sinking into his grave. He put it to the hon. Gentlemen opposite, would they wish to see one of the oldest and best of the public servants sink into the grave with a vote of censure on his head.

Mr. *O'Connell* said, that he must protest against part of the speech of the hon. Member for Westminster. He did not complain of the hon. Gentleman's attack upon Lord Monteagle, but he did complain of his mixing up in that attack another party with whom he was totally unconnected. The motion, he must say, was as idle a one as any that could be proposed; but as it was intended to inflict a stain upon the character of an aged and respectable man, he could not let it pass in silence. The question was not whether this House should vote a pension to Sir John Newport for his public services, or whether the Government should be censured for allowing him to retire with a pension on the civil list; but whether a wholesale attack should be made upon that right hon. Gentleman and the Government in general. When the hon. Member for Westminster talked about Whig jobbing, and of burthens on the public, he should have recollected that not one farthing of burthen extra would fall upon the public by reason of this pension to Sir John Newport. The hon. Gentleman talked about Whig jobbing, but in his opinion there was something worse, and that was Chartist cant, and there was something of cant in talking of increasing the public burthens in a matter by which not one shilling would be added to them. The money must be given to somebody every year, and the only question was on whom it should be bestowed. Now, was Sir J. Newport such a person that, at his time of life, he should be condemned for taking from the civil list what was intended to be bestowed in pensions, and which, if not given to him, must be given to somebody else? The House was not now upon the question as to how Mr. Spring Rice was raised to the peerage; they were upon the question whether a man of the most respectable character, a most zealous and efficient public servant, in advanced years, should be blamed for receiving a pension from the Crown. Who was there who would deny for a moment the extent and value of the right hon. Gentleman's services? To mention one fact alone—he was the man who produced the information concerning church-rates in Ireland, upon the basis of which Parliament had been enabled to abolish that system altogether, and upon this fact alone he thought that Sir J. Newport was entitled to the respect and gratitude of the country. He had only now to repeat his strong protest against the system this night attempted, of assailing one individual, with a view of reaching at another—of bringing forward one topic with another object in view.

Sir *J. Graham* commenced by observing, that after the two last speeches addressed to the House, he could not remain longer silent. He could assure the House that if he thought this motion would either directly or indirectly imply a censure upon Sir J. Newport, no individual in the House would give it a more strenuous opposition than himself. Having known Sir J. Newport for very many years, he could not call to his recollection any public servant more honest, faithful, independent, and generous in the performance of his duties. But, besides these considerations, it had been stated upon authority, that Sir J. Newport's affairs were now in an embarrassed state. He considered that the sorrows of a good man were sacred, and should be the last to say anything calculated to wound his feelings, and it was, therefore, with peculiar pain that he took part in this discussion at all, lest by chance anything should be said in the course of it calculated to do so. He begged to declare that he acquitted Sir John Newport of all blame in this transaction, but he did accuse her Majesty's Ministers of exposing that gentleman to unmerited obloquy, and placing him in a most painful situation. But at the same time he could not let his private feelings interfere with the performance of his public duty. He differed in opinion with many parties in this House upon this subject. He had been a consenting party to the resolutions of 1832, on which the Pensions' Act was formed; but he could not say that he adopted those resolutions in all respects with any very strong predilection. He saw many strong objections to them. He thought, and did still think, that when a statesman had laboured long and hard in the public service, and became advanced in years, and perhaps embarrassed in his circumstances, there should be some harbour of refuge to which he could retreat from political conflict, alike out of the reach of the cold ingratitude of friends, and the bitter animosity of enemies. The throne, he thought, should be the fountain of honours and rewards, as it was the seat of mercy; and he considered that some sum should be placed at the disposal of the Crown for the reward of acknowledged merit, and the relief of acknowledged distress. With these feelings, therefore, if, instead of appointing Sir J. Newport to the comptrollership of the Exchequer, the Government had at that time recommended his Majesty to give him a pension for his past services, whatever might have been the conduct of others on the occasion, he (Sir J. Graham) for one would not have offered one word of objection. He begged, in passing, to observe, that Lord Monteagle presided over the committee at which the resolutions were come to on the subject of pensions. He (Sir J. Graham) was not a Member of that committee, but he saw opposite him several hon. Members who were, and they could tell the House what took place there, what were the amounts of the pensions contemplated by the committee out of the limited allowance of 1,200*l*., and what were the classes of persons to whom they were to be given. He saw the hon. Member for Kilkenny opposite, and that hon. Gentleman would no doubt, before this debate concluded, state to the House his recollection upon these points. Now, for his part, taking the act of 1834 and the pensions act, he was bound to say that this transaction appeared to be utterly subversive of the independence of the comptrollership of the Exchequer, and a direct violation of the act as to pensions to official persons. It would be in the recollection of the House that when he (Sir J. Graham) was pressing forward the measure for the regulation of the offices of the Exchequer, he was taunted by several gentlemen who then sat opposite him, but whom he now saw by his side, and more particularly by the hon. Member for Harwich, that, by abolishing the office of clerk of the pells he would be rendering the comptroller of the Exchequer the sole check upon the disposal of the public funds. To this he answered, that by throwing the whole responsibility of this office upon a single individual, he considered that he ensured its more efficient discharge than if he divided it between two persons, provided he succeeded in ensuring the entire independence of this sole officer, and placing him beyond the influence or control of the Crown. Now, with regard to what the hon. Member for Westminster said about the office of clerk of the pells. Mr. Ellis, who was clerk of the pells at the time he was drawing up the bill for reforming the Exchequer, refused to retain that office. He at that time gave a solemn pledge on the part of Lord Grey's government that, as Mr. Ellis, in consideration of his vested interest in that office, was entitled, not to a pension, but to compensation as for an office for life, on the first occasion of a vacancy occurring in an office which that gentleman could be called upon to accept, it should be offered to him; and he at the same time gave a pledge on the part of Mr. Ellis that upon such an office being offered to him he would accept it. This assurance on the part of Mr. Ellis was afterwards repeated to the head of the

Government, and that in the warmest terms, by that gentleman himself, who said that he did not wish to be looked upon ever in the light of a pensioner on the public; that he was anxious to be actively employed, and that he would take any office which he was adapted for. When the right hon. Baronet the Member for Tamworth came into office, in 1834, the Duke of Wellington, who formed part of that administration, although not bound by this pledge on the part of a previous Government, proceeded to fulfil it. He offered to Mr. Ellis an appointment to Persia, for which he considered him in every respect well qualified. The appointment was accepted by Mr. Ellis; but, before he had time to leave the country, another change took place in the administration of the country, and that gentleman's appointment was changed from one of a permanent character into one of a mere complimentary nature, upon which he was only ten months engaged; and he had been ever since that period unemployed, and in the receipt of 1,400*l.* a-year, very much against his inclination. With respect to the appointment of Sir John Newport to the Comptrollership of the Exchequer, he was free to confess that, although, as had been truly said by the noble Lord the Member for Yorkshire, he had stated no objection to that appointment at the time, he thought it from the first an injudicious appointment. He considered that Sir John Newport was, at the time, seventy years of age, and that he had, four or five years previously, retired from public life, the reason for which being openly assigned, that his health had failed, and that he could not live in London, and wished to retire into the country. Now it might be asked why he had not made this objection at the time? He frankly confessed, that, entertaining as he did the highest respect for Sir John Newport, he had no doubt that the right hon. Gentleman had in his mind the intention of strictly fulfilling the duties of his office, and executing the high control over the finances of the country, which it imposed upon him. It should be recollected that the act of Parliament regulating this office not only guaranteed its independence, but so studiously was this object observed, that by the Pensions Act passed six weeks afterwards, this office was expressly and designedly excluded from any claim for a pension or retired allowance. It was also alleged at the time that the office would be a sinecure; but he was prepared upon this objection, and said he would take care it should not be so; for that an opportunity should be given to Parliament annually of stopping the salary in committee of supply, if it appeared that the party holding the office did not execute the important duties of it in person. With these views and intentions respecting this office, although out of respect to Sir John Newport he did not cavil at his appointment to this office at the time it took place, he certainly thought it an objectionable appointment. With respect to the particular charge before the House, although the noble Lord the Member for Yorkshire sneered at the latitude of the scepticism of hon. Gentlemen on (the opposition) side of the House, he (Sir J. Graham) must say that the noble Lord's explanation, so far from allaying, had only increased the suspicions which he entertained on the subject. It appeared, that in the month of April, 1839, Sir J. Newport had notified to her Majesty's Ministers, that he was unable to perform the duties of his office, and wished to retire into private life in Ireland. Other persons were then thought of to fill the office, and amongst others the noble Lord Monteagle, who, however, at that time was aspiring to the Chair which the right hon. Gentleman now so worthily filled. The Government were aware of the inability of Sir J. Newport to fulfil the duties of his office in April, 1839; on the 27th of May, he believed, the Speaker was elected; but still the Comptrollership of the Exchequer was left vacant through all the months of June, July, August, and September, until, in short, after the prorogation of Parliament, and then the Government appointed their own Colleague, Lord Monteagle. This was not, therefore, an attack upon Sir John Newport, but it was a charge of the gravest character against her Majesty's Ministers, that they had kept vacant during so many months an office of which the duties were of so high and important a nature. What was the object of Ministers in keeping open this office till the month of September? What were the great feats which the right hon. Gentleman (now Lord Monteagle) was to perform during the interval? He believed, that amongst the first things which the noble Lord did, was to omit funding Exchequer bills when they were at a high premium, and it might, therefore be done with advantage, and that he had afterwards done it when Exchequer bills were very low, and that they had ever since been at a discount. The next thing the noble Lord did, was to introduce a new mode of bidding for a loan, the consequence was, there were no bidders, and the Chancellor of the Exchequer was actually laughed at. Then the noble Lord, when Chancellor of the Exchequer, had got appointed a select committee to take into consideration a very abstruse scheme which he had devised for dealing with Church property; when the whole scheme exploded, was blown into air, and abandoned. The noble Lord also appointed a committee upon the important subject of joint-stock banks; which sat three years examining evidence; but the noble Lord, though Chancellor of the Exchequer, and their Chairman, on behalf of her Majesty's Government, tendered them no advice whatever on this important subject, and to this day no report had been made on it. What was the next feat of the noble Lord? Why having so managed the financial affairs of the country, in which, during three years, there had been year after year a deficiency, and at last an increasing deficiency, he brought forward that notable project by which 1,500,000*l.* of revenue was to be sacrificed, namely, the penny postage; and, having announced this great feat, in despair of being able to carry his own plan into effect, he actually advertised a reward of 200*l.* to any person in the kingdom who would come forward and help him. The last performance of the noble Lord was to attempt the renewal of the charter of the Bank of Ireland—a subject of vital importance—and to bring in a scheme by which a saving of 23,000*l.* a-year would be saved to the public; and having developed this important scheme, the noble Lord then, as a last act before bidding them farewell, gave a practical example of the necessity under which he was, as Chancellor of the Exchequer, to succumb to the overwhelming influence of an hon. and learned Member in that House. And this was the Gentleman for whose convenience this important and responsible office was kept open from May till September, 1839. The noble Lord, the Member for Yorkshire, had attempted to be facetious on the present occasion; and congratulated himself upon this the first time when her Majesty's Ministers had given wager of battle; or, as the noble Lord said, shown fight. But was it really the first time during the Session that the noble Lord and his Colleagues had shown fight? They showed fight once, and were beaten by 104; but that was a trivial affair; and then another time they were beaten by twenty-six, and that upon what was no trivial affair at all. By the motion of the hon. Member for Harwich, in calling for an estimate at a time when the public finances were in a most deranged state, he was accused of doing great inconvenience to the public service, and casting an unexampled insult upon the Chancellor of the Exchequer. Well, upon this point the Government showed fight, and they were defeated, as he hoped they would be again to-night. This was said to be a fruitless resolution; but what was the purport of it, and what would be its effect? This was a transaction on the part of the Government which involved the whole principle of the control of the country—one simple question, whether an officer, which Parliament had declared by a solemn act should have no pension or retired allowance, should by a strained construction of the Civil List Act, be permitted to retire upon a pension. The object of the resolution, then, was to declare, that this promotion should not be drawn into a precedent; and yet this was called a pointless resolution. Upon this point at issue the Ministers again showed fight, and again, he made no doubt, they would be beaten; and then, if they were not satisfied with that, they must, to use a homely but well-understood phrase, be "gluttons" indeed. This was no attack upon Sir John Newport, but a direct charge against her Majesty's Ministers. The resolutions declared, that if this act of the Government were to be drawn into a precedent, it would be subversive of that independence of the office of Comptroller of the Exchequer which Parliament declared should be incidental to that office; and that was a declaration which he trusted the House would not hesitate to affirm. The noble Lord, the Member for Yorkshire, said, however, that this case could not be drawn into a precedent; but he maintained, that by no very strained construction of the resolutions proposed as an amendment by the noble Lord, Lord Monteagle was equally entitled at the present moment to receive a pension as Sir

J. Newport was; the sole exception being on the score of advanced age. Now, supposing that at some future period the Government of the day finding the control of the noble Lord over the Exchequer inconvenient, should point out to him that it would be more satisfactory to him to retire into Ireland, and reside on his estate, with a pension of 1,200*l.* a-year, and that it would be very convenient to the Government to be afforded the opportunity of appointing a mutual friend to his place. He maintained, that abuse could not but follow from this precedent, if not restrained by the vote of the House. If the noble Lord's arguments were good for anything, they might themselves, and would be, brought into a precedent, from which nothing could save the country but what he hoped would this evening be the vote of the House.

Lord *J. Russell* said: Sir, I came down to the House prepared to defend an act of my noble Friend, Lord Melbourne, against the somewhat fine-drawn resolutions moved by the hon. Gentleman opposite. But instead of having this task to perform, I see the right hon. Baronet opposite who has just sat down wishes to blink this question, and to use these resolutions, which entirely concern the pension granted to Sir J. Newport, and the comptrollership of the Exchequer, as a means of attacking a noble Lord who was Chancellor of the Exchequer, and who is not now in his place to defend himself. I do not feel it necessary to enter into a defence of my noble Friend's conduct, because it does not properly come before us; but I certainly was surprised at the attack which has been made, because I remember that the right hon. Baronet was for a long time a member of that cabinet under which Mr, Spring Rice was an able and efficient Secretary to the Treasury; and I should have thought that the right hon. Gentleman would have recollected with some gratitude, the able, zealous, and eloquent speeches which Mr. Spring Rice made in defence of that government, when the right hon. Gentleman so often shrunk from his duty in maintaining its acts. I should have thought, certainly, that the right hon. Gentleman would not have altogether forgotten those services, or failed to call to mind how much that Government, of which he was a member in a very high office, and for which he said so little, owed to the very able and efficient speeches made by the then Secretary to the Treasury, and that the right hon. Gentleman would have at least been inclined to spare a man not now present to answer him. But if those speeches and services, both official and parliamentary, all of them showing, not only great zeal and industry, but great ability likewise, produced no impression on the right hon. Gentleman, they did produce an impression on the noble Lord at the head of the Government, because the noble Member for Lancashire no sooner resigned the office of Secretary to the Colonies than Lord Grey thought he could place the seals of the colonial office in no better hands than in those of the noble Lord whom the right hon. Gentleman, when no question was before the House as to his conduct, thought fit to censure in such harsh terms. In that course Lord Grey thought himself justified, and Lord Melbourne thought himself justified by the conduct of Lord Monteagle in the situation which he then held; and this I am sure of—that, if the right hon. Gentleman ventured, in the presence of my noble Friend (I am sure he never did) to make such an attack as he has indulged in tonight on my noble Friend's conduct of the financial affairs of the country, the right hon. Gentleman would have met with an answer which would probably have deterred him from repeating it. But if the right hon. Gentleman thought it safe to refrain from impugning the services of my noble Friend when he sat on these benches, and was selected for office by Lords Grey and Althorp, it was still more safe to make a laboured attack against a man who is now a Member of the other House of Parliament. But, Sir, the question before the House does not relate to the financial conduct of the affairs of the country during the last Session. I will not be led into it by the taunts of the right hon. Gentleman, and his evident and anxious wish to escape from the question which his hon. Friend has brought forward. That question is, whether the Government was justified in granting a pension to Sir John Newport. That question, I must say, does involve, however the right hon. Gentleman may deny it, the character of Sir John Newport; because if, though of great age, and in an infirm state of health, still in the perfect possession of that right understanding which enabled him to judge of the constitution of his country, and of its public concerns, he accepted knowingly and wilfully, a pension to which he was in no way entitled, and which he obtained in violation of the acts on the civil list pensions—no one will tell me that a resolution of this House, of the nature of that proposed, does not impute blame, and will not be received as a severe blow in the decline of his life, after so many services to his country. Sir, I will venture to say, that I do not think there is one person now receiving a pension from the civil list, or from the public in any other shape, on account of great civil services (I do not, of course, mean to compare them with the exploits of naval and military commanders)—whose character and public services, both as to the length of those services, and the various modes of them, so well entitled him to such a reward as Sir John Newport—that pension being in itself extremely moderate in amount, considering the person to whom it was given. Now I say this, looking back to all those various services which my noble Friend has gone through, and which I shall not attempt to refer to in the same detail; but let me in the first place observe, that a great change must be effected in public affairs, if the custom (which the practice of late years has, perhaps, a tendency to establish) were to prevail, that in future not only the great parliamentary pensions, but those under the control of the Crown, must be directed by the amount and length of official service. I really think it very possible, with regard to the favour of the Crown, that a person may in six months, or in a year, perform services and accomplish benefits for his country which another in the course of twenty years may not be enabled to perform. Now let us see what were the claims of Sir John Newport. He instituted inquiries into the state of our revenues, which he afterwards followed up by reforms. He cut off many abuses in the Excise, and removed the sources of corruption in that department. He proposed and carried through Parliament an Act, allowing a free trade in corn between this country and Ireland, which has proved the greatest benefit to both countries. In company with Mr. Elliot and Mr. Ponsonby, (who have now departed, but I name them with the same honour as I mention Sir John Newport) he was nominated on a commission to inquire into education. In fact, I do not go too far when I say that ten or twelve acts of Parliament have been passed on the suggestion of Sir John Newport. Now, it does appear to me that when all the circumstances of this grant are considered—when Sir John Newport's services in an office, the duties of which he performed with great ability, are called to mind—that he not only submitted measures to Parliament, but that they were adopted by Parliament; and that, after the course of a long life, having attained a great age (between eighty and ninety), he finds himself in narrow and reduced circumstances—putting all these considerations together, they form a ground—and a fully sufficient one—for the pension which has been bestowed on such a man. I must compare this pension with those granted to other Gentlemen on the ground of official services. Mr. Ware and Mr. Hobhouse received 1,000*l.* pension; Mr. Lushington, Mr. Croker, and Mr. Planta, were paid 1,500*l.*; Lord Auckland and Mr. Goulburn were each pensioned with 2,000*l.* a year; Lord Bexley had 3,000*l.* I shall only mention another, Lord Sidmouth, who manfully and fairly gave up the pension to which he was entitled. But, then, it is said these pensions have been granted under an Act of Parliament. Now, I do not think it a sufficient claim to a pension that a man has served a certain number of years in office, without doing anything remarkable, or performing any essential service. Well, then, it is to be considered whether there are any grounds on which a person can be recommended to the Crown for a pension. As there certainly are such grounds, the question arises who are to be the judges of the qualifications entitling a person to such a recommendation? I say the first minister of the Crown can best know whether a person has performed his services in such a way as to justify the grant of a pension, I own that all the pensions I have referred to may be questioned. I admit, if I were asked what Mr. Croker has done to call for a pension, I could not give any reasons for the grant, but I think such things are very properly placed in the hands of the Crown, and no doubt the minister of the day advised this pension, not merely because Mr. Croker was a Secretary of the Admiralty for twenty years, which may be a very agreeable occupation, but because he rendered essential service in that situation. I am of opinion, therefore, that the Crown being granted a certain amount on the civil list to be bestowed on those who have served the Crown (as to those who have not, that is another question), the prime minister is the proper person to give advice as to those who should receive pensions. Undoubtedly, as Mr. Burke says, all these pensions are subject to the control of the House of Commons. On any one of these pensions the House may give its advice, but I do not think a calm opinion as to the propriety of bestowing them would be arrived at by Parliament, each individual voting, as he would do, according to party. I may consider those things services which would not be viewed at all in that light by those opposite. For instance, I may consider the formation of education in Ireland a great advantage: those opposed to me may look upon it as an injury. It is, therefore, far better not to make such questions the subject of debate. The right hon. Gentleman has said, that we forced on this discussion. I should like to know how it has been forced on, but by the persevering attempts and continual misrepresentations put forward by those who belong to the present party of the right hon. Gentleman. Such he considers a becoming manner to treat a public servant of eighty-four years of age! In the present Session, had it not been for the hon. Member for North Devon, I know not whether pensions would not have passed as the various other pensions granted by the right hon. Member for Tamworth, and by the present first Lord of the Treasury. I heard the right hon. Gentleman say, there was something exceedingly suspicious in Sir John Newport having expressed a desire to retire in April, and in the present arrangement not having then taken place. Here I must be allowed to say, that I was rather in error in a statement I made to the House on a former occasion, because I thought that Sir John Newport had written to Lord Melbourne from Ireland. In April he asked to see Lord Melbourne, for the purpose of giving him his resignation, and he then stated that he was about to go to Ireland, placing his resignation in his hands, whenever he wished to lay it before the Crown. The right hon. Gentleman says, this step was forced on him by the fact that he was an useless and inefficient Comptroller of the Exchequer. But let it be remembered, that as he was of great age, he was entitled to leave of absence on the score of laborious service, whether he held or resigned his office. The right hon. Gentleman says, he should never have been appointed at all, because he was not capable of performing the duties of his office. I was always informed that Sir John Newport attended to his duties most assiduously, though they had lately been increased to an extent not originally contemplated. The right hon. Gentleman next alluded, and the hon. Member for Westminster also referred to Mr. Ellis. Why, a bill passed through the House on that occasion, and I remember Lord Althorp observing to me, that if any question were asked on the subject, it would be most painful to him to answer it, because Mr. Ellis was a near relative to our then colleague, Lord Ripon, and he should be obliged to say that he could not recommend Mr. Ellis for the office. In so saying, Lord Althorp purely did his duty as minister of the Crown, because, whatever might be the considerations of economy, I don't imagine that a minister was bound by such views not to recommend a person qualified for the office. In our selection of you, Sir, I am sure we did not consider whether we should make a saving of any pension by our choice; but we were resolved to give your high office to the fittest person; and if we exercised such a discretion, we must allow the Crown the same right. The office of Comptroller was originally intended for Lord Auckland; but an objection to his holding it being urged, on the ground that he had already a situation connected with Greenwich Hospital, the proposal was withdrawn agreeably to the wishes of the House. I do not think that any man could have been placed in the office in every respect so entirely fit for it as Lord Auckland. He has since been called to another destiny. He became a member of the cabinet, and afterwards Governor-general of India; and though he has not filled the office of Comptroller of the Exchequer, he has performed most splendid services to his country in another capacity, which merit her deepest gratitude. The office was then offered to and accepted by Sir John Newport; and it does appear to me that the appointment was the most proper one, from the fact that he had always been the friend of Lord Grenville, who was auditor of the Exchequer, and that he was conversant with the finances of the country. I think, too, he was the best person to be selected for another reason—that the

Comptroller of the Exchequer ought, beside certain qualifications, to have that high rank which a man acquires by taking an active part in public life. Now, having gone through the reasons for this grant, none of which have been shaken, I think it right to say, that it is not desirable, as a general principle, that the Comptroller of the Exchequer should look forward to a pension on the civil list, or any other fund; but, I do contend that the circumstances of Sir John Newport—his varied and long services—his great age, and the state of his pecuniary affairs, entitle him to a pension. The right hon. Gentleman, in the course of his speech, in which he alluded to many subjects, because he seemed glad to touch any topic rather than the resolution, which does not appear to attract a very warm support from his party, spoke of the Government "showing fight." The right hon. Gentleman referred also to two questions on which the Government was left in a minority; but there was another question which the right hon. Gentleman entirely omitted. An hon. Baronet was disposed early in the Session, to lead a regular onset against the Government, on which the Government did not refuse to "show fight," and on which the right hon. Baronet, and those who thought with him produced all that could be ransacked for the last three or four years, and which ended, after all, in nothing more than in the appointment of some three magistrates, and in some promotions of which they did not approve. No French cook could cater for an epicure denied the use of meat, with a more plentiful supply of meagre condiments. They had very little to say, and a great deal of what they did charge on us, recoiled upon themselves, but the result was, that after four nights' debate they were completely discomfited in every point. It was a question, not for the production of a return. It turned upon no meagre and gingerly resolution, but on a plain vote of want of confidence. I really thought the party opposite had made up their minds to this resolution—"We don't mean to harass you on little points; we don't mean to snatch a vote here and there against you; but we shall submit a proposition perfectly intelligible, that the House has no confidence in the Government, but in the Tory party." To that proposition an answer unfavourable to the Gentlemen opposite was returned; and this, and all such other attempts made like this poor contrivance to hurt the feelings of an old man, only to show how forgetful the Gentlemen opposite are of the profusion which characterised their Government; a state of oblivion in which, I am persuaded, neither this House nor the country participate.

Sir *R. Peel:* However pointless, spiritless, and "gingerly," the noble Lord may feel the resolution of my hon. Friend, he has given conclusive proof that he does not consider the speech of my right hon. Friend (Sir J. Graham) pointless, spiritless, or gingerly. It seems to have had the effect of completely obliterating the recollection, not only of the services of my right hon. Friend, but of the unvarying testimony borne by the noble Lord himself to the value of those services. Has not the noble Lord said, that the separation from office of my right hon. Friend was one of the most painful in his life, on account of the proof which he had given of the value of those services which the noble Lord thinks it decent now to decry? The noble Lord says to-night that my right hon. Friend, when one of his colleagues, and a member of the Government, shrunk from his public duty; and such was his expression, after the testimony to which I have referred of the estimation in which he held the services and character of my right hon. Friend. Is there the slightest foundation for the assertion that my right hon. Friend ever shrunk from his duty? Who was selected to assist the noble Lord in his preparation of the Reform Bill? Was it not my right hon. Friend? And will the noble Lord now, with his impressions of reform, deny the services which my right hon. Friend rendered on that occasion? Does the noble Lord deny the services of my right hon. Friend as first Lord of the Admiralty? [Lord *J. Russell:* "No."] No, says the noble Lord. Then what does he mean by saying that my right hon. Friend shrunk from his duty as a member of the Government? Who reformed the civil department of the navy? Who was it that took credit for the great saving in the naval estimates during the Government of Lord Grey—and can you deny that the whole merit of it was due to my right hon. Friend? Oh, I am reviving in the noble Lord's recollection some sense of my right hon. Friend's services. Why, this very debate should recall to the noble Lord's recollection some of his services. Who reformed the office of the Exchequer? Who was it that, burthened with the laborious office of First Lord of the Admiralty, found time to extend his inquiry into the whole department to which I have referred? Who altered the regulations of pensions granted for civil services? It was my right hon. Friend, whom the noble Lord, forgetting his past acknowledgment of his public services, has charged with shrinking from his duty. I will tell the noble Lord what he shrunk from. He shrunk from office in vindication of his principles. Rather than consent to the principle involved in the appropriation clause, by which I was deprived of office, my right hon. Friend abandoned his office; and, perhaps, seeing the place which my right hon. Friend now occupies, from adherence to his principles, and recollecting the fate of the appropriation clause, the noble Lord may be excused for the irritation which he has displayed. The noble Lord, in the course of his speech, alluded to the pensions of other individuals. The noble Lord must surely know there is a complete distinction between pensions granted to holders of office by virtue of an act of Parliament, after a prescribed length of service, and pensions granted from the civil list; and notwithstanding the complaint the noble Lord has made of my right hon. Friend, in referring to the conduct of. Lord Monteagle in his absence, yet the occasion was too tempting to the noble Lord to refrain from introducing the name of Mr. Croker, and saying that, although he went through twenty years of official service, he could not conceive what their nature was. Allow me also to say, that if the noble Lord had made that assertion during the long period of twenty years during which Mr. Croker was in office, the noble Lord would probably have received such an answer as would have prevented him from repeating the attack. The pension to Mr. Croker, and the pensions granted to my right hon. Friend, Mr. Planta, and to Mr. Hobhouse, stood on totally distinct and separate grounds. Those were pensions conferred in consequence of the abolition of sinecure offices of much greater amount, and it was because these sinecure offices had been abandoned, that the Crown, having power to give pensions in certain cases, granted those pensions; and I must, therefore, say, that it was ungrateful on the part of the noble Lord to depreciate, as he has done, the services of the subordinate officers of the Government, who, for twenty years, had devoted their best faculties to the service of the country. True, they might not have taken a brilliant part in the debates of that House, or engaged in political contests; but this I am prepared to assert, that there is not one of the pensions to which the noble Lord has alluded, which has not been gained by the exercise of the best faculties which the recipients had the power to bestow; and they are one and all men of high intellectual endowments. The noble Lord had complained that we wish to draw the attention of the House from the proper subject before it. I will show the noble Lord I have no such wish, and encouraged by his precept rather than by his example, I shall apply myself to the only question presented for our consideration. I admit Sir J. Newport's talents and services; but the noble Lord must not shelter the Government under the character of Sir John Newport. This is a question affecting the public conduct of Government. What is the answer to it? Don't question our acts for fear of embittering the last years of a worthy and respected man. The Act of Parliament provides for grants to various departments of the State, but excludes by name his office. [The *Chancellor of the Exchequer:* No, no!] I am aware that other offices forming part of a class of offices, are excepted by the Act, but I repeat, that the only office specially excepted, is this particular office of Comptroller of the Exchequer. I am referring to the 15th clause of the Act, which is in these terms:—That the Act should not be construed as extending a right to pension or superannuation allowance to any officer of his Majesty's Courts of Westminster Hall, nor of any of his Majesty's courts of justice elsewhere; and then, continued the right hon. Baronet, we come to an office which is specially named and specially expected; and what is that office? It is this, and this alone—" nor the Comptroller of his Majesty's Exchequer." Was I not warranted, then, in saying that specially, and by name, there was one office, the holder of which was disabled from receiving a pension? What could be the meaning of that particular exception? What but this?—that that officer should be kept not only independent of parties, but, being the sole check upon the issues of the public money from the Treasury, should also be kept independent of the Government and of the Crown. It is plain that, under the terms of the Act, the Crown was not entitled to give a pension to this officer. The Act contains another provision, which is somewhat analogous. It declares that the Crown shall not be entitled to appoint the Comptroller of the Exchequer to any other situation held at the pleasure of the Crown, and that that officer shall be removeable, not at the will of the Crown, but only upon an address from either House of Parliament. Can there be stronger proof that the intention of Parliament was, that the Comptroller of the Exchequer should not look to the Crown for favour or promotion of any kind whatever? What, then, has been done? The Crown, according to the provisions of the Act, could not grant a pension. How, then, has it been obtained? Why, it has been granted out of the Civil List. The noble Lord says that he thinks this pension ought not to be drawn into a precedent. The noble Lord admits that. Well, then, either the noble Lord differs from the resolutions moved by the hon. Member for North Durham, and thinks that there was no impropriety in making the grant of a pension to this office out of the civil list, or else he thinks that the case is questionable, and ought not to be drawn into a precedent. If the noble Lord holds to the first of these propositions—if he thinks that the grant is defensible—if he thinks that the holder of this office is entitled to a pension (and if this holder, of course all other holders of the same office) —if the noble Lord thinks this, why does he not meet this proposition by a direct negative? He does not venture to take that course, but chooses to move two other resolutions, which he asks the House to adopt in lieu of those moved by the hon. Member for North Durham. Surely the noble Lord cannot be serious, when he proposes the first of these two resolutions. I have no objection to the substance of it, but surely the noble Lord cannot be serious in asking the House to assent to a resolution which quotes the preamble of one of the clauses of the Act, 22nd George 3rd, finishes the quotation by an "*et cetera*," and then proceeds to assert, "That this limitation," no limitation being mentioned in the quotation :—

"That this limitation to persons in their distress, or for their desert, not having proved a sufficient check on the grant of unmerited pensions, this House in the year 1834 entered into certain resolutions concerning pensions."

"Now, in point of fact, the Act of George 3rd, imposes no limitation. Let us be accurate in our quotations. The Act of George 3rd, is this: it especially provided, that until the gross amount of pensions shall be reduced to below a certain sum, no pension of more than 300*l.* a-year shall be granted to any individual, nor more than 600*l.* a-year in the whole, and that an account of pensions shall annually be laid before Parliament. But, when the gross amount of pensions should fall below 90,000*l.* a-year, then the unlimited discretion of the Crown to grant pensions was to revert, subject only to the obligation of annually laying before Parliament an account of the pensions granted, no limitation was imposed. If the noble Lord will read the speech made by Mr. Burke upon the occasion, he will find that that statesman said :—"I cannot control the exercise of the prerogative of the Crown, but I will limit the amount. The Crown shall not have the power of granting more than 60,000*l.* a-year." [An *hon. Member*—90,000*l.* a-year.] Yes, Parliament subsequently made it 90,000*l.* a-year, but Mr. Burke spoke of 60,000*l.* a-year as the limit. But as long as the gross amount of pensions did not amount to 90,000*l.* a-year, the Act of Parliament prescribed no limit whatever. Surely, then, the noble Lord cannot be serious in asking the House to adopt his first resolution. I repeat, that I have no objection to the substance of it; but surely, before the noble Lord wishes us to assent to it, he will see the propriety of giving it such a shape and form as shall not bring us into discredit for entering it upon the journals of the House. The noble Lord says, that this ought not to be drawn into a precedent. Now, we do not propose to deprive Sir John Newport of his pension; and I say at once, that if he were deprived of it and it should be proposed, in consideration of the particular circumstances of his case, and the expectations held out to him, that he should be provided for by a special act of Parliament, I would vote in favour of such a proposition. Allow me to say, however, that I am surprised at the terms of the noble Lord's resolution; because I was the person who stated the other night that I thought, in special and particular cases, Parliament ought to be appealed to; and the hon. Gentleman, the Member for Kilkenny, was one of the very first who assented to that opinion. [Mr. *Hume:* No, no] I certainly thought so. It is possible that I might have been mistaken; but it certainly appeared to me that the hon. Gentleman assented to my proposition, and spoke in support of it with unusual enthusiasm. I retain my opinion, notwithstanding what has been said by the noble Lord. I still think that in cases where men have performed such special and peculiar parliamentary services as shall appear to entitle them to a pecuniary reward, it is better that that reward should be given by Parliament than that it should be conferred by the Crown. If services have been rendered in Parliament, let Parliament be the judge of their worth, and determine the reward that shall be afforded for them. I am surprised that the noble Lord, when he was preparing his resolution, did not recollect the case of Mr. Grattan. Mr. Grattan's services were not rewarded by the Crown—he was provided for by a vote of Parliament. Mr. Pitt's debts were provided for by a vote of Parliament. Be it observed, however, that when I say that I think Parliament ought in special cases to make provision for Parliamentary services, I am of opinion that the circumstances under which such a provision should be awarded, should be so peculiar and so extraordinary, that no mere majority of a Member's own party should be enabled to vote it, but that it should come to him with the general assent of the whole House, as a boon conferred in consideration of the special and particular nature of his case. If influence is to be guarded against, I think it much more likely that the Crown, by making a grant, might obtain an influence over an active parliamentary opponent, than if the matter were left entirely to the bounty and liberality of the House. So much for the principle that the office of Comptroller of the Exchequer ought to be independent. But what did we do in 1834? We provided that the whole amount of pensions which the Crown should have the power of granting for the reward of literary service, for scientific eminence, and for services rendered to the Crown should be 1,200*l.* a-year. That was the limit—and what have you done? Why you have granted at one swoop five-sixths of the whole of this sum for parliamentary service. I say that that is contrary to the intention of Parliament. Now let me appeal to every man in the House. Suppose, when I came into office in 1835, I put this question to those who were politically opposed to me—suppose, when I came into office in 1835, with the resolution of the House limiting the grant of pensions to 1,200*l.* a-year fresh in the mind of every one—suppose at that time I had done what you have done—suppose I had taken five-sixths of the whole of that sum, and had granted it to some Gentleman on this side of the House who had devoted himself to the public service in Parliament, but had not held office long enough to entitle him to a pension under the act of Parliament—suppose I had created a vacancy in this office, which ought to be independent of the Crown, by granting a pension to the person who held it on condition of his retirement—suppose I had facilitated some political arrangement by putting a friend of mine into the office—suppose I had done this, I ask you whether by an immense majority from your side of the House, you would not have condemned such an act on my part in much stronger language than is employed in any part of the resolutions moved by the hon. Member for North Durham? Would you have contented yourselves with a simple declaration, that such an act ought not to be drawn into a precedent. Would you not have said, "This is a violation of the independence of the office of Comptroller of the Exchequer—this is an absorption, for party and political purposes, of five-sixths of the whole sum allotted by Parliament for the reward of every species of merit? and would you not propose and carry by acclamation, if you could carry it at all, not a resolution merely declaring that this act of mine should not be drawn into a precedent, but an humble address to the Crown, praying that I might forthwith be removed from office? That, undoubtedly, is the course that you would have taken. I ask you to maintain at least so much consistency as to vote to-night that such an act ought not to be drawn into a precedent. Do not trust to ministerial declarations. The power of jobbing in *posse* is immense. You can hardly put a limit to the possibility of what can be done. If you will only convert the "can" into "ought"—if, instead of considering what "can be done," you will prescribe what "ought to be done," it is possible that your deliberations may attain an useful end. If you consent to the amendment, I will prove to you that you are going to recognise a power on the part of the Crown to grant a pension of this kind. In the first place, with every respect for the character and every acknowledgment of the services of Sir John Newport, I hope that the House will not establish the precedent of coming to a vote in favour of a civil officer, couched in ten times more glowing terms than any previous vote ever accorded to men of the highest distinction. You did not do it in the case of Mr. Fox. You did not do it in the case of Mr. Pitt. I do not recollect one single instance in which the House of Commons has put upon record such a recognition of public service as that now proposed. This opens a great question. Sir John Newport is spoken of in these glowing terms, because he was Chancellor of the Exchequer in Ireland for a period of thirteen months—because he was Comptroller of the Exchequer for several years—and because, whilst he was in the first of these offices, "he exerted himself to the utmost to restrain useless expenses." When the noble Lord speaks in such fervid terms of this special service—this exertion to restrain useless expenses—does he forget the service rendered upon that score by my right hon. Friend, Sir James Graham. With what consistency can the noble Lord put this service forward specially as a vindication of the pension granted to Sir John Newport, and, at the same time, almost in the same breath, turn round and assail the conduct of my right hon. Friend, who, during the whole time that he formed a part of the Administration of which the noble Lord was a member, zealously, indefatigably, and most successfully applied himself to the curtailment of useless and unnecessary expenses? What are the special grounds laid in the noble Lord's resolution in vindication of this pension? Why,

> "That it appears to this House that the right hon. Sir John Newport, in his official capacity of Chancellor of the Exchequer in Ireland, exerted himself to the utmost to restrain useless expenses, to promote education, and to improve trade and intercourse between Ireland and the other parts of the United Kingdom; that while in the said office he directed, and after leaving office suggested, various inquiries, which led to the adoption by Parliament of measures highly conducive to the better administration of the law, and beneficial to the revenue."

Why, surely these are duties which a man ought to perform—surely these are duties which a public man is bound to perform—surely these are not duties to entitle a civilian to special thanks and special rewards, carried by a majority of those who concur with him in political opinions. It is a bad precedent. The noble Lords resolution concludes in these terms:—

> "That, considering that Sir John Newport was not in affluent circumstances when he thus withdrew from office, this House is satisfied that the grant of a pension to a retired Comptroller of the Exchequer, in circumstances so peculiar, cannot be drawn into a precedent."

Observe, the resolution says, "cannot be drawn into a precedent in favour of persons who have not 'just claims on the royal beneficence,' and are not distinguished by 'the performance of duties to the public.'" Thus, you are not going to say, that the granting of this pension cannot be drawn into a precedent; but I tell you that if you pass this resolution, you will be giving a parliamentary sanction for drawing it into a precedent. Most likely whoever is placed in the office of Comptroller of the Exchequer, will have been a man who, at some period of his career, has exerted himself with activity and talent in public life. How easy, then, will it be to say, that he has distinguished himself in the performance of his duties to the public, and that he has a just claim upon the royal beneficence! In such a case the Crown will be perfectly justified under this resolution in granting a pension from the civil list, thereby inducing the officer to retire and immediately appointing another in his place. Some one, perhaps, referring to the terms of the resolution now proposed, will say, "This ought not to be drawn into a precedent." "True," will be the answer, "it ought not to be drawn into a precedent in favour of a man who has no claim upon her Majesty's beneficence—who has performed no duty to the public; but the particular friend whom we now propose to appoint to this office has a very great claim to her Majesty's beneficence and to public gratitude, in proof of which we are prepared to lay before you an account of all the motions he has made during five and twenty years of Parliamentary service, of all the committees he has appointed, and of the savings he has effected in restraining useless expenses. Why, if my hon. Friend, the Member for Lincoln (Colonel Sibthorp) should happen to fill the office of Comptroller of the Exchequer, what a catalogue of public services might be quoted to justify his being pensioned. How many motions for inquiry into useless commissions? How many motions for inquiries into useless expenses? Why, according to the admissions of the noble Lord, my hon. and gallant Friend absolutely put an end to the commission for granting compensation for the Bude light; and, as the hon. Member for Westminster has justly observed, it was my gallant Friend who, at one single blow, in one single vote, saved 20,000*l.* a-year to the public in the grant to Prince Albert. In such a case, with such a catalogue of public services, how could Parliament resist the appeal, when it was asked if it could be so niggardly as to refuse to such a man the pension to which his zeal and activity in the public service justly entitled him. The noble Lord, foreseeing this case, has provided for my hon. Friend under the head of "performance of duties to the public." If the noble Lord had limited himself, in his amendment, to a simple declaration that this cannot be drawn into a precedent, it would have been all very well; but when he opposes any declaration of that kind, and he asks the House to assent to a proposition that it cannot be drawn into a precedent, except in cases where public services have been performed, can any one deny that he is asking the House to establish a direct sanction for the grant of a pension from the Civil-list to all persons who hereafter may hold the office of Comptroller of the Exchequer. I hope I have fulfilled my promise, that I would not withdraw the attention of the House by personal considerations from the question properly before it. I entreat the House to recollect that we have the admission of the noble Lord that this pension ought not to be drawn into a precedent. Now, I ask the House of Commons to have the courage and manliness to tell the noble Lord, by a direct and unequivocal vote, that it will not lend its sanction to such a proceeding. Let us by our vote to night prevent the possibility of other governments relying upon any resolution of ours, to justify them in undermining the independence of an office, the integrity and perfect independence of which are essential to give the holder of it a due and proper control over the public expenditure.

The *Chancellor of the Exchequer* rose to follow the right hon. Baronet, with the view, as far as possible, of confining the attention of the House to that which was the real state of the question, and to warn it not to be led into a discussion of those topics which his right hon. Friend opposite (Sir James Graham) had so dexterously introduced, and introduced, as he could not help thinking, with the hope of picking up some stray votes. He, therefore, neither proposed to follow his right hon. Friend into the attack which he was good enough to make upon the whole of the Government system of finance nor to pursue the right hon. Baronet in the defence which he had made of the public service of his right hon. Friend (Sir J. Graham). He thought, however, that the right hon. Baronet had a little misunderstood the observations of his noble Friend. In the remarks that fell from his noble Friend, there was no imputation whatever against the public conduct or the public services of his right hon. Friend, services which he should be the first to acknowledge, both as an executive officer of the Crown, and as a Minister of public departments. What his noble Friend said was this, that whilst sitting on the Treasury Bench, the right hon. Baronet did not exhibit the same readiness to appear in debate in support of his colleagues, that he now evinced on all occasions to put himself forward to attack them. His right hon. Friend now told the House that the necessity for the perfect independence of the office of Comptroller of the Exchequer was such, that the House ought to mark with its censure any attempt to grant to the holder of that office any civil list pension, or in fact any pension whatever. Now, he should be glad to learn where the right hon. Baronet found any ground for censure in this proceeding, or where the House was to discover the principle which he now, for the first time, heard laid down by his right hon. Friend, and the right hon. Baronet? He had the honour to serve on the same commission with his right hon. Friend (Sir James Graham)—the commission which recommended the alterations to be made in the pension-list—and he confessed that, having so served with his right hon. Friend, he now for the first time learned that there was any intention whatever of so controlling the power of granting pensions as to preclude this officer for ever from any retired allowance whatever. He found nothing of that kind either in the report of the commissioners or in the Act of Parliament which was subsequently introduced and passed, founded upon the report. In point of fact, the very provision upon which the right hon. Gentleman had laid so much stress, the very provision which deprived Lord Auckland of the office—that very provision did not exist in the act when it was first introduced by the Government; but was subsequently inserted by Parliament. Was there anything in the acts and proceedings of the Legislature, in analogous cases, that could lead the government to discover the new principle which was now laid down, and laid down as he thought for the first time, and for the purpose of casting a censure on Sir John Newport's pension, and upon the government? He would refer to some cases which appeared to him to be strictly analogous. In the first place, there was the office of Assistant Comptroller of the Exchequer. That officer, in the absence of the Comptroller of the Exchequer, administered all the duties which the Comptroller could perform, and exercised precisely the same check upon the Treasury, in regulating the expenditure of the public money. It was as requisite, then, that the Assistant Comptroller should be independent of the Crown, as that the Comptroller himself should be independent. Yet the Assistant-comptroller was certainly entitled to a superannuation allowance, and that superannuation allowance was settled by the Treasury. What, then, became of the assertion of the right hon. Baronet, that it was a principle which there was no possibility of mistaking, that the party who exercised this check upon the Treasury must be a party wholly independent of the Crown —a party never to be admitted to any pension whatever? During the absence of the Comptroller of the Exchequer, which might often be for a considerable time, circumstances might occur which would make it of the utmost importance that the same independent control should continue to be exercised. Yet it would be found by the provisions of the very act which was so much relied upon by the right hon. Baronet, that the assistant comptroller was entitled to a retired allowance; and no one knew better than his right hon. Friend that that retired allowance was entirely in the hands of the Treasury. Passing from the office of Assistant-comptroller of the Exchequer, let the House look for a moment to another analogous situation, that of the auditors of public accounts. Was it not as essential that those officers should be independent, as that the Comptroller of the Exchequer should be independent? He thought it much more important that they should be independent of the Crown and of the Treasury, even than the Comptroller himself. In the first place, they held their appointment during life—they were Parliamentary commissioners, not commissioners appointed by the Crown. They had also certain judicial powers; for instance, they had the power of taking evidence upon oath, and they actually audited the accounts of the Treasury. If ever there was a case, then, to which the new-found principle ought to apply, surely it must be to the auditors of public accounts. His right hon. Friend had declared that if Government had given Sir John Newport a pension before his acceptance of the office of Comptroller of the Exchequer, he should not have quarrelled with it, such was his respect for him. He called upon his right hon. Friend to show upon what grounds he could say that the claim which Sir John Newport had in 1834 was forfeited because that right hon. Baronet had been willing to continue his services in his office to a most recent period, the duties of which he had most efficiently discharged. The right hon. Baronet had attacked the resolution of his noble Friend (Lord Morpeth), because it included certain words used by Mr. Burke, but those were not enacting words, and therefore of no importance. The right hon. Baronet had further complained of what he conceived to be inconsistency on the part of his hon. Friend, because he the other night objected to the giving of a pension to Sir J. Newport, not by the authority of the Crown, but by the authority of Parliament. What was the opinion of the right hon. Baronet himself on this subject in 1837? When the hon. Member for London proposed to put these pensions into the hands of the House of Commons, what said the right hon. Baronet? He declared that

"He was quite averse to the proposition: that a popular assembly could never wisely interfere with the patronage of the Crown. There was no instance in the history of Parliament of its ever having wisely interfered with the discretionary power of the executive. An assembly such as the House of Commons was too much governed by temporary passions and feelings for the salutary exercise of such a right. The course of proceeding on the part of such a body would be, that, under certain circumstances, they would give a great deal too much; whilst, under the influence of other considerations, they would be tempted to neglect public services of the highest order."

He could not help thinking, that temporary circumstances of such a description as those apprehended by the right hon. Baronet might have weight with the votes of to-night, and might induce many hon. Members to overlook circumstances of a higher nature. There was another point to which he wished shortly to advert. It had been observed, that although the Crown had only 1,200*l.* a year to appropriate to pensions, the Government had disposed of 1,000*l.* of it in this one case. It ought, however, to be borne in mind, that the whole sum allowed to the Crown in former years had not been exhausted, that there remained a portion of the yearly allowance after every claim on the part of literary and scientific merit had been fairly met. The right hon. Baronet seemed also to forget the argument he used in the case of Prince Albert. On that occasion the right hon. Gentleman contended, that there was no analogy between the allowance to the Queen Dowager and that to be given to the Prince, because the Prince was in his youth, and was likely to receive it for a long period of years, whereas her Majesty the Queen Dowager was advanced in life. [Sir *R. Peel:* You settled the Queen Dowager's allowance.] He was not surprised that the right hon. Baronet was disinclined to hear his own arguments repeated. But when he complained that the enormous proportion of five-sixths of the entire sum which the Crown had to dispense in the year, was given as a reward for political services, to one individual, he should remember, that the receiver of the pension was of a very advanced age, and was not likely to enjoy it for a long term of years—and that Sir John Newport was not likely long to honour the Pension List with his name. His noble Friend (Lord Morpeth) had not referred to the political pensions on the list in any unfair manner. He had said, that he was not a fit judge of the merits of those who received them, as he had not acted under the same Governments with them, but that no less pension than that received by Sir John Newport was given for political services. He begged the House to consider, that as it had been admitted by his right hon. Friend, that if a pension had been granted to Sir John Newport, even before his taking the office of Comptroller of the Exchequer, it would have been a proper pension, and as his right hon. Friend had on this, as well as on a former occasion, admitted, that it was a pension which, in the fair exercise of its prerogative, the Crown might confer, and considering these points, he trusted the House would come to a vote in accordance with justice, and support the resolution of his noble Friend.

Mr. *Hume* said, that having been alluded to, he could not allow the discussion to be closed without stating his opinion to be, that both sides had taken a wrong course. If he was called upon to vote for the original motion or the amendment, he felt that he should be compelled to vote for both. The hon. Gentleman who had proposed the original resolution did not apply his speech to it. If the hon. Gentleman meant a vote of censure to be passed upon Lord Monteagle, neither his speech nor the resolution went to that. Therefore it was, that he did not know how to act. If it was intended to blame any party, he thought they ought to have been brought before the House by name. The right hon. Baronet had not been so fortunate in his dates, as he had been strong in his reasoning, because he said, if in 1835 he had made such an appointment, what would have been the consequences? Now the right hon. Baronet must have known, that the law did not exist at that time, which gave to her Majesty the power of granting pensions every year to the amount of 1,200*l.* That law did not pass till 1837. The right hon. Baronet must bear in mind, that the committee to which allusion had been made, had reported, that no pension ought to be placed on the Civil List, and in his (Mr. Hume's) opinion, no man was entitled to receive public reward without receiving it openly. The right hon. Baronet knew, that it was quite an accident that 1,200*l.* was proposed, because when that sum was proposed, an objection was taken by the right hon Gentleman, that so small a sum was not intended to recompense political services. He considered, that the doctrines laid down by the noble Lord the Secretary for Ireland, and defended by the noble Lord the Member for Stroud, held out an inducement to every man to look forward to reward for political services. With respect to the removal of Sir John Newport, and the appointment of Lord Monteagle, it was (perhaps unfortunately) supposed, that the vacancy was created on purpose to enable the Government to support Lord Monteagle, and all that he had to regret was, that such was not the case had not been stated in more distinct terms. He should have wished to have seen a letter showing the date when the application was made, because that would have removed all doubts and suspicions respecting the transaction. He could assure the noble Lord, that the whole transaction was denominated a job, and it was supposed to be done purposely to favour Lord Monteagle. That was the supposition, and the great difficulty was, to remove that from the public mind. He felt bound, therefore, to vote for the original motion.

Lord *John Russell*, in explanation, repeated, that on the authority of Lord Melbourne, Lord Duncannon, and Sir John Newport, he had stated, and must restate, the retirement of Sir John Newport was not effected to answer the purposes of Government.

Mr. *T. S. Duncombe* felt some difficulty in rising to speak upon a subject which had been designated a job. The question was, how were they to deal with this job? When his hon. Friend rose, he thought it was for the express purpose of saying something in defence of the proposition which he had placed on the notice paper; that, however, he had not done; and if it were possible, according to the forms of the House, for the Speaker to put all the three different propositions from the chair together, the proposition of his hon. Friend the Member for North Durham, the proposition of the noble Lord the Member for the West Riding of the county of York, and the proposition of his hon. Friend the Member for Kilkenny—if the Speaker could put those three propositions together to the House, all he could say was, that he should feel the greatest satisfaction in voting against all the three; for he had never met with three more absurd propositions; although, if he were called upon to name one more absurd than another, so far as the public were concerned, he should fix upon that of his hon. Friend the Member for Kilkenny. He did not know whether there was any stranger in that House—he assumed that there was not; but if, peradventure, there had been any during the addresses which had been delivered that evening, he would go out with the conviction that there had been a debate which had nothing to do with the public interests. He wanted to know whether in any of the propositions which had been made in that House by the hon. Member for North Durham, the noble Lord, or his hon. Friend, any one individual had proposed to save the public purse one shilling? Far from it. All the end that the propositions came to was this, except, indeed, that of the hon. Member for Kilkenny, who proposed to put 1,200*l.* a-year additional upon the public burthens; that the hon. Member for North Durham said, that this pension to Sir John Newport "ought not to be drawn into a precedent;" whilst the noble Lord the Member for the West Riding said, "it cannot be drawn into a precedent." Now, the right hon. Baronet, the Member for Tamworth advised them, "don't trust to that declaration, that never could be depended upon," for, added the right hon. Gentleman, "although this House may say, that this cannot be drawn into a precedent, and although it ought not to be so drawn, yet the next House of Commons, with the Tory administration which will, in all probability, succeed the present, will do the very thing that we say cannot and ought not to be done. This precedent will be established, and the next House will say, we will repeat it whenever we think proper." He must look, then, in order to form his own determination, at the conclusion of the hon. Member for North Durham, for his premises were not disputed. The hon. Member said, that it was of great importance to keep the Comptroller-general of the Exchequer independent of the influence of the Crown. [*Hear, hear.*]—Hear, hear, said he. He would like to know from the hon. Gentlemen who were now so desirous of keeping the executive government independent of the influence of the Crown, when they acquired their new-born zeal? When did it commence? Was it in the reign of George 3rd? Was it when Mr. Dunning proposed a resolution that "the influence of the Crown has increased, is increasing, and ought to be diminished?" Did they declare that the influence of the Crown was to be nothing with the executive when appointments were made in former reigns? Did they commence this assertion in the reign of George 4th? Did they begin in the days of William 4th? No; it was reserved for the reign of Victoria to see the Tories coming forward and saying that the influence of the Crown ought not to be used in the executive government! The right hon. Baronet the Member for Pembroke (Sir James Graham), said that he had a great regard for Sir John Newport, and that this motion had nothing to do with him—that it was, in fact, a vote of censure on her Majesty's Ministers. If this were so, why did not hon. Gentlemen say, "This is an act unworthy of her Majesty's Ministers?" Why did they not state fairly, "This is a gross job," and he would agree with them; but they did not do any such thing, they evaded the question, they did not directly assert the censure. He would like to ask the hon. Gentlemen opposite, whether any one of those who were in Parliament in 1830 recollected—if they did not, he did—a motion made by Sir Robert Heron? Did they recollect the names of Dundas and of Bathurst? Did they recollect the proposal made by the Tories of those days? How did the Chancellor of the Exchequer of that day defend the proposition? They had now got upon the votes that Sir John Newport had served the public for fifty years, and that he was entitled to a pension. At any rate, he had not heard any one deny the justice of the claim. To use the noble Lord's expression, which was not perhaps the most elegant, although it was very expressive, hon. Gentlemen had approached the question "in the most gingerly manner." How had those same Gentlemen defended other pensions? How had the Chancellor of the Exchequer of 1830 defended the pensions to Messrs. Bathurst and Dundas? He believed that the right hon. Member for Cambridge was the person then holding that office, and he said,

> "As to the precise nature of the services of those individuals, he was not prepared to answer. He thought it rather unfortunate that the length of their service had not been stated in the estimate, but he believed that their service was of about four years' duration, the appointments having taken place in 1825.

Now, then, four years duration was all that the right hon. Gentleman had to say in favour of the services of Messrs. Dundas and Bathurst. The right hon. Gentleman went on—

> "Mr. Bathurst, although called by the hon. Baronet a very young gentleman, had been a considerable time at the bar. He really did not see what there was to attract hon. Gentlemen's laughter in the circumstance of a gentleman pursuing an honourable profession. It might appear ridiculous to some hon. Members, but to him it appeared an honourable path for a man to pursue, whatever might be his rank in life. Mr. Bathurst and Mr. Dundas, who had both embarked in different professions, abandoned them on being put into the situations of commissioners of the navy, and the principle of compensation and allowances, when reduced, applied perfectly to them."

Here were two individuals claiming pensions. And whilst the pension to Sir John Newport was opposed by hon. Gentlemen opposite, after fifty years of service, they were quite ready to grant 500*l.* a-year to each of two individuals, in whose favour all that could be said was, that they had been at the bar, and that their public services had been of four years' duration. He would be glad to see any hon. Gentleman stand up and say in what respect the public were concerned in the debate that had taken up the whole evening. The public interests were in no way concerned in it. It was a mere fight between the two factions, and whether the one succeeded or the other, was a matter of perfect indifference to the public. He could only say again, that the proposition of the hon. Member for Kilkenny was the most absurd of the three; between the others he had a doubt which was the best, and as he had that doubt, he should give it in favour of those whose administration he thought most beneficial to the country.

Mr. *Williams Wynn* felt much embarrassment in stating, that he differed from those with whom he usually acted; but as this was a judicial question, he was bound to decide it by the construction of the act of Parliament, and by his opinion of the merits of the individual who was the more immediate subject of the motion. He could not depreciate the merits of the right hon. Gentleman; he agreed with his two right hon. Friends as to their estimate of Sir John Newport's services; he believed with the right hon. Member for Pembroke, that if a pension had been given to Sir John Newport when he retired from Parliament, he would have been fairly entitled to it, and that according to the construction of the act, there was nothing to prevent its being granted. He could only say for himself, that he would not carry that act further than the words would lead. He saw by the words of that act, that pensions were allowed to be granted to the extent of 1,200*l.* a-year, to such persons as should have "just claims upon the royal beneficence," and he did believe that Sir John Newport had just claims on the royal beneficence. The words of the act continued, "or who by their personal services to the Crown, by the performance of duties to the public," and he believed also that Sir John Newport, by the performance of duties to the public during the long period that he sat in Parliament, "had," in the words of the act, "merited the gracious consideration of the Sovereign;" and he for one could not say that services rendered to one's country ought to be excluded from the consideration of those who had to advise her Majesty in the administration of the grant, although the individual might have held office at intervals, and only for a few months each time. He did not know that the claims of Mrs. Fox or of Mrs. Tierney were invalidated, because Mr. Fox had held office only for a few months, or because Mr. Tierney had held no office for many years, and had been but a short time Master of the Mint. He had risen to bear his testimony to the merits of Sir John Newport; he believed that no man had been more indefatigable in his exertions than he was throughout the whole of his Parliamentary career, or more honourable in the discharge of his duty. Under these circumstances he was not prepared to say that this grant ought not to be drawn into a precedent for a similar grant, if similar merits existed in respect of individuals at an advanced period of life. But the question which his right hon. Friends had raised, was, whether Sir John Newport, having held the office of Comptroller of the Exchequer, had not become disqualified from receiving a pension. To that he could not agree. He did not think that the holding of the office of Comptroller of the Exchequer gave a claim to a pension, but if a person having a claim to a pension did hold that office, he was not thereby disqualified. What was the object of the act? That there should not be a person holding a pension from the Crown appointed, or that a party should not look for a pension from the Crown whilst he held the office of Comptroller of the Exchequer, and that, having held that office, he should not have, on that account, any claim to a retiring pension. But allow him to ask, whether it was ever intended that if an individual, who was entitled to a retiring pension, should be appointed Comptroller of the Exchequer, he should therefore be precluded from afterwards putting forth the claim he already had? Such a proposal would neither be fair towards the individual, nor economical towards the public, because if a man entitled to a pension should be appointed as comptroller, the pension might be suspended during the time that he held the office, and the public would save the amount of the pension. Upon these grounds it was that, having heard the whole of the debate, he had determined to give his vote in favour of the noble Lord.

Mr. *Liddell* replied. After the allusion that had been made by the hon. Member for Finsbury, to some former transactions of former governments, he wished to say a few words. The hon. Member gave the *tu quoque* answer to the Opposition side of the House, and he had implied that they only opposed jobs when they were out of office. In doing so he had alluded to what he termed a job in former days. He had never sat in Parliament except as an independent Member, and well he recollected the circumstances of the transaction to which the hon. Member for Finsbury had alluded. He said, now, that the clouds of obloquy which surrounded the administration of the noble Duke (the Duke of Wellington) had passed away, that if there was one thing more redounding to the credit of that administration than another, it was that identical transaction. What were the real circumstances of that transaction? The noble Duke, with that zeal which he had ever displayed for the public service, finding that some offices could be cut off with advantage to the public service, had cut off the two offices held by Mr. Bathurst and Mr. Dundas; and, instead of reducing the less influential clerks, instead of making a job, as others might have done, he cut off two sons of two of his own Cabinet Ministers, who were the junior commissioners who had been appointed to an office, which, up to that time, had been invariably held for life, and the tenor of which might alter, and most probably did alter the whole circumstances of their lives; and he did propose that pensions should be granted to them by way of compensation, with the consent of Parliament: and that consent the Parliament of that day, in its discretion, perhaps not in its wisdom, refused to give. How, then, could the hon. Member for Finsbury say, that this was a job. He gave utterance but to his own impressions, which were as likely to be formed upon considerations of honour as those of the hon. Member. After those remarks he would not longer detain the House, but go at once to the division which would decide between him and the noble Lord.

The House divided on the original question. Ayes 240, Noes 212:—Majority 28.

List of the AYES.

Acland, T. D.
A'Court, Captain
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Bagge, W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Barneby, J.
Barrington, Viscount
Bell, M.
Bentinck, Lord G.
Bethell, R
Blackburne, I.
Blackstone, W.
Blair, J
Blakemore, R.
Blandford Marq. of
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramstone, T. W.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Cantalupe, Viscount
Chapman, A.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, Viscount
Colquhoun, J. C.
Cooper, E. J.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Du Pre, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Fielden, J.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Lord C.
Fitzroy, hon. H.
Foley, E. T.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Gore, O. J. R.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Grote, G.
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hume, J.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl
Jervis, S.
Johnston, General
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Leader, J. T.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C.
Marsland, T.
Mathew, G. B.
Maunsell, T. P.
Maxwell, hon. S. R.
Meynell, Captain
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Molesworth, Sir W.
Moneypenny, T. G.
Mordaunt, Sir J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Palmer, R.
Parker, R. T.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G.
Pigot, R. D.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visct.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushout, G.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.

Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Sturt, H. C.
Sugden, rt. hn. Sir E.
Sutton, hn. J. H. T. M.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, T. P.
Wilmot, Sir J. E.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Baring, H.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Anson, hon. Colonel
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Bellew, R M.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, W. J.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brown, R. D.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Butler, hon. Colonel
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C.
Chetwynd, Major
Clay, W.
Clive, E. B.
Collier, J.
Conygnham, Lord A.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Crompton, Sir S.
Curry, Sergeant
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice right hon. E.
Ellis, W.
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Finch, F.
Fitzalan, Lord
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Fort, J.
Gisborne, T.
Gordon, R.
Grattan, J.
Greg, R. H.
Greig, D.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Handley, H.
Harland, W. C
Hawkins, J. H.
Hayter, W. G.
Heathcote, J.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L
Holland, R.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Viscount
Humphery, J.
Hurst, R. H.
Hutchins, E. J.
Hutton, R.
Jervis, J.
Labouchere, rt. hon. H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, rt. hn. T. B.
M'Taggart, J.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Noel, hon. C. G.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, hon. J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, B.
Smith, J. A.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Spencer, hon. F.
Standish, C.
Stanley, M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Tavistock, Marq. of
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Vivian, rt. hon. Sir R.
Walker, R.
Wall, C. B.
Wallace, R.
Westenra, hon. J. C.
White, A.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wynn, rt. hon. C. W.
Wyse, T.
Yates, J. A.

TELLERS.
Seymour, Lord
Stanley, hon. E. J.

Paired off.

NOES	AYES.
Abercromby, G. R.	Palmer, G.

NOES.

Acheson, Viscount
Anson, Sir G.
Barron, W. H.
Beamish, F. B.
Berkeley, hon. C.
Bryan, G.
Cave, O.
Cavendish, G. H.
Cayley, E. S.
Chapman, Sir M. L.
Chester, H.
Chichester, J. P. B.
Childers, J. W.
Colquhoun, Sir J.
Crawford, W.
Davies, Colonel
D'Eyncourt, C. T.
Donkin, Sir R.
Duncan Lord,
Edwards, Sir J.
Erle, W.
Etwall, R.
Fector, J. M.
Ferguson, R.
Ferguson, Sir R. C.
Fitzsimon, N.
French, F.
Gillon, W. D.
Grattan, H.
Guest, J.
Heneage, E.
Heron, Sir R.
James, W.
Jephson, Sir C.
Langton, Colonel G.
Lister, E. C.
Macnamara, W.
Maher, J.
Martin, T. B.
Milton, Lord
O'Brien, C.
Phillips, Sir R. P.
Ponsonby, C.
Power, J.
Roche, Sir D.
Roche, E. B.
Slaney, R. A.
Spiers, A.
Talbot, J. H.
Talfourd, T. N.
Vivian, Major C.
Vivian, J. H.
Walker, C. A.
Westenra, hon. H.
White, S.
White, Colonel H.
White, L.
Wilbraham, G.

AYES.

Parker Montague
St. Paul, H.
Castlereagh, Viscount
Rose, Sir G.
Neeld, J.
O'Neil, J.
Burdett, Sir F.
Bagot, hon. W.
Cartwright, W. L.
Compton, H. C.
Parker, T. A. W.
Buller, Sir J. Y.
Yorke, hon. E. T.
Trevor, hon. R.
Dottin, A. R.
Hamilton, C. J. B.
Maclean, D.
Gordon, hon. W.
Brownrigg, J. S.
Davenport, J.
Cresswell, C.
Rushbrook, Colonel
Egerton, Lord F.
Kelburne, Lord
Jones, W.
Fleming J.
Williams, R.
Hughes, W. B.
Lefroy, D. T.
Tyrell Sir J. T.
Marton, G.
Kerrison, Sir E.
Jenkins, Sir R.
Gore, O. W.
Farrant, R.
Hawkes, T.
Pollen, Sir J. W.
Canning, Sir S.
Hayes, Sir E.
Alford, Viscount
Kirk, P.
Patten, W.
Baring, W. B.
Dungannon, Lord
Bateson, Sir R.
Conolly, E.
Broadley, H.
Feilden, W.
Houston, G.
Godson, R.
Dick, Q.
Mackenzie, W. F.
Campbell, Sir H. P.
Harcourt, G. S.
Cole, hon. A.
Stewart, J.
Coote, Sir C.
Granby, Marquess of

Absent NOES.

Andover, Viscount
Bainbridge, E. T.
Bannerman, A.
Benett, J.
Berkeley, G.
Blewitt, R.
Blunt, Sir C.
Brabazon, Lord
Brabazon, Sir W.
Chalmers, P.
Clayton, Sir W.
Clements, Lord
Collins, W.
Crawley, S.
Currie, R.
De Winton, W.
Divett, E.
Dundas, W. D.
Easthope, J.
Ellice, E.
Euston, Earl of
Fenton, John
Fitzgibbon, hon. R.
Greenway, C.
Hallyburton, Lord D.
Hastie, A.
Hawes, B.
Heathcote, G. J.
Heathcote, Sir G.
Hindley, C.
Horsman, E.
Hoskins, K.
Hutt, W.
Lambton, H.
Lennox, Lord G.
Lushington, C.]
Marsland, H.
Moreton, A. H.
Nagle, Sir R.
Oswald, J.
Palmer, C. F.
Pattison, J.
Pease, J.
Philips, M.
Power, J.
Pryse, P.
Rippon, C.
Scholefield, J.
Sharpe General
Steuart, R.
Talbot, C. R. M.
Villiers, C. P.
Warburton, H.
Ward, H. G.
Wemyss, J. C.

Absent AYES.

Acland, Sir T. D.
Adare, Lord
Attwood, W.
Burr, H.
Crewe, Sir G.
Damer, hon. G.
De Horsey, S. H.
Fector, J. M.
Goddard, A.
Grant, hon. Colonel
Grant, F. W.
Howard, W.
Ingham, R.
Irving, J.
Kerr, D.
Knox, hon. T.
Lowther, Viscount
Master, Colonel
Miller, W. H.
Morgan, C. M. R.
Pakington, J. S.
Shaw, F.
Wodehouse, hon. E.

Liberals who usually vote with Ministers, who voted against them.

Fielden, J.
Fitzroy, Lord C.
Grote, G.
Goring, H. D.
Johnson, General
Jervis, S.
Hume, J.
Leader, J. T.
Molesworth, Sir W.
Wakley, T.

HOUSE OF LORDS,

Friday, February 28, 1840.

MINUTES.] Petitions presented. By the Duke of Sutherland, and several other noble Lords, from a number of places, against the Intrusion of Ministers into Parishes.—By Lord Redesdale, from Upton-upon-Severn, for Church Extension.

COMPTROLLERSHIP OF THE EXCHEQUER.] The Earl of *Ripon* would take that opportunity of making some observations in reference to some expressions which were reported to have fallen from a noble Lord in another place on the previous night. He alluded to the subject of the appointment of a noble Lord, a Member of that House, to the office of Comptroller of the Exchequer. The noble Lord had made a remark with regard to the conduct of Lord Althorp, in allusion to a proposition made for the appointment of Mr. Ellis to the situation of the comptrollership. It was obvious that that statement was calculated to do great injury to the public and private character of Mr. Ellis, and he begged leave to state, as a matter of fact, that Lord Althorp did not express the opinion attributed to him. In the year 1833, Lord Althorp said to him, that he concurred with a noble Earl, then at the head of the Government, in thinking that Mr. Ellis's public character, and his situation in the Exchequer, gave him a just claim to the appointment to the office of comptroller, and it so happened that at the moment at which he quitted that noble Lord, he (the Earl of Ripon) wrote a letter to Mr. Ellis, informing him of what had passed, and that these two authorities had distinctly admitted the grounds on which he urged his appointment, and he congratulated him upon his having been tested for the office. He had no reason, certainly, to say one word against the appointment which had taken place, but he could not permit the opportunity to pass, without saying thus much as to the character of Mr. Ellis.

Viscount *Melbourne* said, that he thought that it was very natural for the noble Earl to say what he had done; and he only rose to state, that in the position which he had held, he was not in the least degree cognizant of what took place.

African Trade. The French Government]. Viscount *Strangford* rose to lay before the House a petition from all the merchants in London engaged in the African trade, complaining of certain injuries to which they were subjected by reason of their treatment on the coast of Africa by the French authorities. He should now merely move, that it should be laid upon the table of their Lordships' House, but should proceed to address some further remarks to their Lordships upon the subject. [Petition laid on the Table]. The noble Viscount then continued to say, that when in the course of the last Session he brought under their Lordships' consideration the various aggressions upon our trade on the western coast of Africa, which had been committed by certain French authorities there, and the amount of loss and dishonour which, in his opinion, we had in consequence sustained, he did hope, as well from the highly proper and spirited tone and language assumed on that occasion by the noble Viscount opposite, as from his assurances that the matter should be taken up—as it behoved this country to take it up—that his remonstrances and representations would have had the effect, if not of obtaining full redress for past injuries and insults, at least of preventing them from being renewed and repeated in a yet more objectionable form. He confessed that he entertained too high an estimate of the importance and respect due to the representations of a British Minister, to believe for one moment that it would have been his lot in the very next Session to lay before their Lordships' House, proof positive, not only that these representations and remonstrances had been ineffectual as regarded the past; but that it had been so entirely disregarded, as to have failed in restraining the French from making fresh attacks — attacks equally presumptuous and dangerous, which had inflicted considerable injury on our commerce. The petition which he had had the honour of laying on their Lordships' table, embodied the proofs of this new aggression. He should presently advert to the terms in which those proofs were given; but he would now merely ask their Lordships what state of things it must be, when the subjects of the Queen of England, hopeless of redress, approached them with such a prayer as that which he should read?

"That however deeply your petitioners may feel the importance of duly protecting and upholding these settlements, as well with a view to commerce as to the extinction of the slave trade, and however anxious they may be to preserve them as openings to British enterprise at a period when new markets for our manufactures are so essential to the mother country, yet the neglect of their own Government, and the losses and insults which they have so long suffered from the French, without any prospect of redress, constrain your petitioners humbly to recommend that a negotiation be opened with the French Government, for selling and transferring those possessions to that power which seems so anxious to possess them: under which negotiation your petitioners may either withdraw their property upon receiving an indemnity, or"—

Or what did their Lordships think?

"or remain under a Government disposed to protect them."

What must be the state of things from which the subjects of the Queen thought there was no mode of escaping except by transferring the settlement, of which these transactions had been the scene, to other and more powerful hands than those in which they were now held? What it was, was best described, and was explained in a manner best suited to the occasion, and best adapted to their Lordships' convenience, in the words of the petition. The noble Viscount read the petition in the following terms:—

"THE PETITION OF THE UNDERSIGNED BRITISH MERCHANTS,

"Humbly showeth—That your petitioners are merchants and traders connected with the British settlements and factories on the north-west coast of Africa.

"That the French have possessions in the same neighbourhood, of which Senegal and Goree are the most important; that Senegal and Goree having been taken from France in the late war, were restored to her at the peace, since when she has laboured incessantly to increase the number of her possessions in the same quarter, and to augment her influence over that part of Africa.

"That, in the pursuit of these objects, the French authorities have, on various occasions, and under various false pretences, insulted and despoiled the English traders belonging to the neighbouring British settlements, who can no longer pursue their lawful trade with safety or success.

"That these proceedings have been systematically carried on by the French ever since the peace, having commenced so early as the year 1819, when they took possession of Albredar, a station within the mouth of the river Gambia, notwithstanding that that river was reserved exclusively to Great Britain by the peace; that the British Government remonstrated against this outrage at the time, and have done so at intervals ever since without effect, the said factory still continuing in possession of France, to the serious injury and embarrassment of British trade.

"That without adverting to other well-known acts of French aggression in the same quarter, which remain equally without redress, although attended with consequences the most ruinous to individuals, your petitioners have on this occasion humbly to draw your Lordships' attention to a further and more recent outrage committed by the French authorities so late as September last, and which, although the last aggression your petitioners have heard of, will not, they fear, be the last they are destined to endure, unless measures be taken to assert the honour, and uphold the rights of Great Britain in that part of the world.

"That the French, in pursuance of their policy to increase the number of their establishments on the coast, and at the same time destroy the prosperity of those of Great Britain, have recently formed new settlements at the river Cazamanza, a river adjoining the Gambia, the chief British possession, and obviously with a view of intercepting our trade; that having built forts and completed their arrangements, they have commenced a system of annoyance and aggression against British traders, for the purpose of excluding them from the Cazamanza trade, intriguing with the natives to drive the English away, which the natives have refused to do, telling them that the trade is open to all: that having failed in these and other attempts to effect their object, they sent an armed force on board two British vessels, the Charles Grant and the Highlander, belonging to the Gambia, and forcibly removed them from the native town of Sedjiou, where they were pursuing their lawful trade; that one of these vessels, the Highlander, from the want of skill on the part of the French force engaged in the outrage, was run on shore and finally left, and yet remains with her cargo in possession of the aggressors. That by such proceedings the English are dishonoured in the eyes of the natives, and confidence entirely destroyed.

"That these and similar proceedings on the part of the French, have from time to time been strongly represented to her Majesty's Government, not only by the petitioners at home, but by the sufferers in Africa, through the Lieutenant-governor at the Gambia, praying earnestly for protection; and although your petitioners cannot think that her Majesty's Government have been entirely inattentive to their prayers, they regret to say that, up to the present moment, they are ignorant what measures, if any, have been taken for their relief; meanwhile the French are left to pursue their insulting and aggressive policy without hindrance or interruption.

"That in the opinion of your petitioners, the want of naval protection has been the main cause of these evils, the French having never less than two or three ships of war constantly stationed in the neighbourhood, while the English settlements are frequently left for six or eight months together without a single British ship of war coming within sight of them; that at the time these proceedings took place at the Cazamanza, there was no British ship of war within 500 miles of those settlements, although nearly twenty English ships of war are employed on that coast.

"That through the influence of the British possessions at the Gambia, the slave trade has been entirely destroyed in the neighbourhood of that river, formerly one of its greatest marts, which proves the great value of those possessions for the attainment of that important object; but, that your petitioners regret to state, that according to the last advices received from the Gambia, the French authorities were purchasing slaves for government service at Cayenne, which it was feared would have the effect of reviving the love of that traffic in the breasts of the native chiefs.

"That the British trade with those settlements, if duly protected and encouraged, is of great prospective value to this country as an outlet for British manufactures, which are admitted by the natives duty free; that the French evidently perceive this, and hence are using the most unscrupulous means to secure a monopoly of it.

"That in addition to other disadvantages which your petitioners labour under in competing with the French, the unequal and unfair system of intercourse subsisting between the French and English settlements is severely felt by the English trader; the French being allowed privileges at the Gambia, which they refuse to reciprocate at Senegal."

Now all this was but a repetition of those other agressions which had been committed at Portendic six years ago; but however bad and however injurious that case was, there were circumstances attending that now before the House, which he thought gave to it a yet more offensive character. The territories which were invaded no more belonged to France than to us. From the very first day of their discovery they indisputably belonged to Portugal—to our once prized—to our once loved and ancient ally—to which, if any insult in former days had been offered—if her territories had been violated, our indignant remonstrance, and if that failed, our prompt and certain vengeance would surely have been called forth. Why did Portugal suffer this spoliation without resistance and remonstrance? The French never consulted Portugal at all. They wanted its territory, and they at once proceeded *vi et armis* to secure their object. Portugal was weak and helpless, and according to the logic and moral of mightier states—and he was not speaking with regard to France alone—powers incapable of resistance might be wronged and insulted. What was England, chivalrous England about? And he would beg to remind the noble Viscount opposite, that on his last return to office he said, that his administration was founded on principles of chivalry. What was chivalrous England about, he repeated? The only answer which he got to his question was, perhaps, that the Government knew nothing of the matter. It was the practice of France to do in other cases what they had done here, and it had been carried to a very inconvenient extent. He remembered two or three years ago that he took the liberty, in the case of the usurpation of a portion of the Brazilian territory, of calling the attention of the noble Viscount to the subject, and he then knew, and ventured to predict, what would be the consequence—the infallible consequence of our neglect of that matter. The noble Viscount had laughed at the outlandish and barbarous names, and said that he had taken an exaggerated view of the matter, and that it was of no consequence, commercial, financial, or territorial. He could but think at the time, when he heard the statement, of the story of the young lady who justified her sister's indiscretion, by saying "true it is, that she had a baby, but then it was a very little one." But the complaint was, that the French Government was constantly getting these little children. They had a small child in Minorca, which the noble Lord, the Lord Privy Seal, had taken under his patronage, and for which he seemed willing to stand godfather. Then there were twins on the coast of Africa; there was another flourishing bantling at Monte Video; and finally, there was one now eleven years old, and just beginning its education in Algiers. The noble Lord did not even say, "Oh, fie," to these indiscretions; and by not doing so, he exposed himself to the charge of indulging in a lax morality. When the settlement was made at Cazamanza, the British merchants applied to the Governor of Gambia. Whether their complaints ever reached her Majesty's Government, or whether they ever condescended to give an answer, he did not know; he had his own suspicions upon that point, but this he did know, because he had an evidence of the fact, that no British ship of war had been sent to assist them—there had been no Government vessel of any sort or kind within 500 miles for many months together—no ship bearing her Majesty's pennant was, during the transaction, sent to the place for the purpose of watching over the British interests, and for protecting British subjects engaged there in lawful commerce. The consequence was, that during two years, the French had had everything their own way, recognising no law but the law of the strongest—trampling on the rights of Portugal—on the rights of England, and of every other nation which had been admitted to the privileges of a free trade with those settlements. If such things as these were to be passed over in silence, would the French know where to stop? If these things were done at a time of profound peace?

Therefore it was that this was more injurious to us than a state of war; for, in a state of war, thank God, we knew how to take care of our colonies and of our foreign trade; and we did take care of them in those good old-fashioned days, when hard fighting, and not mere political subserviency, constituted the main feature in a sailor's character, and constituted the claims to distinction. The fleets of France were, in fact, more formidable to us in a time of peace than in a time of war; not only had they brought on us national disgrace, but individuals were stripped of their property, whole families were plunged into all but absolute misery—the most outrageous proceedings had taken place, and then their Lordships were coolly told that they must seek redress through the tedious and dilatory forms of official correspondence, and of a lazy and a loitering diplomacy, suffering the loss of time and the anxiety which were incalculably more aggravating than the original wrong:—

"Full little knowest thou, that hast not tried,
What hell it is in suing long to bide;
To lose good days that might be better spent,
To waste long nights in pensive discontent;
To speed to-day, to be put back to morrow;
To feed on hope, to pine with fear and sorrow;
To have thy prince's grace, yet want her peers;
To have thy asking, yet wait many years;
To fret thy soul with crosses and with cares;
To eat thy heart through comfortless despairs."

It was for the interest of France herself, that she should be warned not to persevere in the present course, for if persevered in, it must *teste* the noble Viscount, lead to a collision between the two countries, and to the interruption of peace. He said *teste* the noble Viscount and he said it without apprehending for a moment that the noble Viscount would be guilty of the bad taste of asserting in that House what had been most indecently and most unfoundedly insinuated elsewhere, that in bringing forward matters of this kind, the Tory party, as it was called, had no other object in view than that of embroiling the two powers, and of plunging them into a war. He denied that the Tory party wished for war. They had not so entirely lost their senses, they were not so utterly and hopelessly moon-stricken, as to wish for a war under any circumstances. He did not wish for a war. He wished for peace, not only with great and gallant France, our ancient and most honourable opponent, but also with every, the meanest and the poorest community. He had a great many reasons for wishing for peace—one of the most exquisite, and one of the most graceful of the relics of antique art that had descended to us, was a celebrated gem bearing as an impress Cupid wielding a thunderbolt. The noble Viscount was too good a scholar to forget the Greek epigram explaining the allusions and stating that the sculptor meant by the design the union of Persuasion and of Power—of the persuasive faculties which distinguished her Majesty's Administration let Mexico, and Buenos Ayres, and Portendic, and our merchants trading with America, and with Africa, speak the value. As to the power of that Administration, he did trust, and so did England trust with him, that he never should see the day when the dignity, the interests, and the safety of this country should be confided to them, or when the administration of its resources should be entrusted to them against the attack of a foreign power. But short of war, and short of anything resembling war, he was convinced, that means could be found to put an end to the outrages of which they had so long reason to complain. Remonstrance alone would not do much. Let the noble Viscount try retaliation—retaliation in no hostile sense at all, but such retaliation as France herself could not find the shadow of a reason to object. Let the noble Viscount merely do this. Let him put the French trading in our Gambia on the same footing as the French put the English trading with their Senegal. Let him give to the French nothing more in Gambia than they gave us in Senegal. How did matters now stand? Every advantage which the most liberal commercial policy could suggest was afforded in Gambia to the French nation. Our port of St. Mary was open to them, but in their port of St. Louis it was not permitted for a British vessel to approach. At Goree the severity was such that goods could not be transhipped from one foreign vessel into another if they happened to be destined for the British possessions in the Gambia. It was the most one-sided reciprocity he had ever heard of. If the noble Viscount would only hint at a species of retaliation, the whole of this complicated question would be easily and quietly settled. There was another point to which he would advert, and he would do so in the slightest possible degree, because he wished to reserve it for abler and better hands. He alluded to the encouragement which these proceedings gave to the revival on the western coast of Africa of that awful traffic which had been put an end to, under Providence, by those exertions in which England had taken such an eminent part. He certainly could not, at that moment, substantiate the fact, but he had been assured, that the French had authorised a new traffic, and had even purchased slaves for the Government plantation at Cayenne, in South America. But that point he would reserve till the return of the learned Lord (Brougham), who would not be many days in England without laying bare anything that could be substantiated upon this subject. And although the noble Marquess had, the other evening, stated that the noble and learned Lord had vanished into thin air, yet he had received, under the noble Lord's own hands, an assurance that they would soon see him again in his place, in a substantial form. He found that he had omitted to state what was the importance of the trade before the interruption, whilst it remained in our own hands; what it was at the period of the interruption, and what it had been since. A return which he held in his hand was dated April 11th, and gave an account of the Senegal gum imported into this country. In 1833 there were brought by British vessels 15,125 cwts. of Senegal gum imported into this country. In 1834 there were 19,502 cwts. In 1835, when the trade was interrupted, there were 220 tons. In 1836, when the French took possession of Senegal, and the importation of gum into this country took place in foreign bottoms, the quantity was 16,742 cwts., and in 1838 it was 29,274 cwts. This alluded to the quantity of gum alone, and not to the entire imports of all products from Africa. He had now done with the Casamanza case. He handed it over to the noble Viscount for him to consider of it. He believed that was the technical term, in other words, to form a new item in the outstanding account, and it was a long one between the noble Viscount and the merchants of England, and he hoped, that the noble Viscount would be enabled to place it to the credit side of his ledger. But he was wearying their Lordships with the recital of these matters. Yet he could not conclude without saying a few words on the original transgression in Portendic; he had last year mentioned that transaction, and he had laid it in all its bearings before Parliament. It involved no party principle, it was no question between ins or outs, Whigs or Tories, it was an Englishman's question, and as such only did he discuss it. It was also brought twice before the House of Commons during the last Session, by one of the most zealous, and one of the most able supporters of her Majesty's Government, the learned Member for the Tower Hamlets, no mean authority in matters of international law. It was twice brought before the House of Commons by that learned person, and twice was that learned person told by the noble Secretary of State for Foreign Affairs, that the matter was under discussion between the Governments of England and of France. He wished to know, therefore, from the noble Viscount, whether those discussions were yet concluded? It appeared that six years had elapsed since the date of the transactions which had given rise to these communications, and if the reasoning of the noble Lord, the Secretary of State for Foreign Affairs, had all that time failed to convince the French Government of the justice of these claims, he could not help thinking that it would have been the noble Lord's duty himself to have come to Parliament for advice and assistance. He was perfectly confident that such would have been the course of Mr. Canning, that such would have been the course of Mr. Canning's lamented successor, and such, he doubted not, would have been the course of his noble Friend near him (the Earl of Aberdeen), or of the illustrious Duke, whose absence they all regretted, and such, he was sure, would have been the conduct of the noble Viscount himself, had it been a question with a more feeble state than France. Had it been Portugal instead of France, their Lordships might be assured that they would have had a bill laid on their table long ago, a bill of coercion and of pains and penalties against Portugal. At all times the claims of their injured fellow subjects were fully entitled to the prompt consideration, and to the most ample support of the servants of the Crown. That was a general principle; but in the present case, he contended that these parties had a peculiar and particular right to have their claims so considered, and to be so supported. And why? Because it was mainly owing to the Government themselves, and to the reliance of these parties on the Government, that they were drawn into the difficulties, and had suffered the losses of which they had to complain. He was but imperfectly aware of the facts last Session; but he could now give proof of what he stated. After the first aggression of the French, the parties were anxious to know whether they might venture to continue so improving a trade, and whether they might risk their capital by sending again to the coast of Africa. They made application to the Colonial-office in the latter part of the year 1833; and at that time the right hon. Gentleman, who was now a noble Lord, and one of the ornaments of that House, presided over the colonial department. They were told to put their statement in writing, and to give the reason for their application. They received a reply in answer, dated Downing-street, 12th November, 1834, in which it was said, that the writer acknowledged the receipt of the merchant's letter of the 1st inst., and that having laid the statement before Mr. Secretary Spring Rice, he was commanded to inform the merchants that the Government were prepared to extend to the British interests in that quarter, every protection, and to secure for the merchants every right which by any treaty or obligation subsisting between Great Britain and France belonged to them. He would ask whether, after a letter of that sort, there was not a sufficient guarantee to the merchants engaged in these transactions against all risk, arising from any other than a state of war? Some thirty-five years ago, there was published a striking pamphlet which was attributed to Mr. Stephen, entitled, "War in Disguise, or Frauds of Neutral Flags." But the transactions that had taken place since the publication of that pamphlet, had proved that there were other sorts of war in disguise than those which the author of the pamphlet contemplated. He wished to learn from the noble Viscount, what was the present state of the negotiations between England and France on the subject of our Portendic trade, and whether any scheme of a convention had been put forward, and if so, what was the principle on which that scheme was founded? To do ample justice to their claims—the only principle on which a convention ought to be founded —was what was called "consequential damage," for if the French had no legal right to establish the blockade, and for the assertion that they had no such right, he had the authority of Dr. Lushington, of all the Queen's law officers, and of the noble Lord the Secretary of State for Foreign Affairs himself—if then, as he said, the French had no legal right to establish this blockade, he contended that France was responsible for all and every species of damage and injury which might arise from the blockade. The noble Viscount would doubtless say, that the amount of claims was unreasonable, and again he might be told that the "*commission consultative*" attached to the foreign department in Paris, had made an assessment, not of the amount of the present claims, but of the insignificant sum of 60,000 francs. He begged the noble Viscount to recollect (and this time he would be careful in the statement of his details, which last time he admitted that he was not) that these transactions referred to distinct epochs, that up to 1834, and the transactions subsequent to that period. It was the first epoch that embraced the transaction in which the two ships were seized, and it was for the seizure of these two ships, that these 60,000 francs were awarded, and not for the losses which had accrued to the merchants subsequently, from the interruption of the trade. He was sorry to have so long troubled their Lordships, but he could not conclude without saying, that if we had any right whatever still remaining under any treaties affecting the western coast of Africa, he could not but believe that the time was come when it would be proper to assert that right by something more than mere remonstrance. If the honour of France, wounded by an offence offered to her consul by the Dey of Algiers, could only be appeased by the expulsion of that chief from his dominions, by the extermination of his subjects, and by the appropriation to French uses, not only of the city, but of the whole regency of Algiers; if France had a legal right to blockade Mexico, to bombard Vera Cruz, to stop the mouth of the river La Plata, and to seize on Monte Video, to avenge injuries, real or fancied, inflicted on her subjects, he did not understand on what principle it was, that that self-same France, whilst vindicating her own rights in every quarter of the globe, should delay, and should thus deny justice to the subjects of the Queen of England, and should, as it were, set at nought the majesty of the British Crown. He would move, that an humble address be presented to her Majesty, for copies of all despatches received from, and addressed to, the Governor or Lieutenant-governor of the Gambia, relating to the gum trade, and to the aggressions of the French on the western coast of Africa, since 1832; also, for copies of all despatches to the British Admiral on the African station, or to the commanders of British ships of war cruising on the west coast of Africa, on the same subject, and from the same period; and also, for copies of all communications or applications for redress, made by British subjects to the Foreign or Colonial Office, relating to transactions on the West Coast of Africa, together with the answers thereto, from the year 1832 to the present period.

Viscount *Melbourne* certainly could not complain of the noble Viscount for bringing these matters under the consideration of their Lordships. He admitted that they were matters of great importance, and well worthy of their Lordships' attention; but he had a right to complain of the angry and irritable tone with which the subject had been introduced; and he would have complained of the pointed sarcasm which had been used in reference to a foreign power, and of the attacks on the general policy which had been made, if it had not been that the latter part of the noble Lord's speech had been wrapped up in so much allegory, with such a mixture of Greek epigrams, and of imagination, so much better adapted for the region of poetry or of fiction than of debate, as to have rendered the tone of his speech innocuous, and not likely to be attended with those irritating effects which it might otherwise have produced. But as it was likely that their Lordships would hear many arguments, many motions, many statements, and many descriptions of matters of this nature and of this character, he would only beg and implore their Lordships to consider them calmly and patiently, but, at the same time, with firmness and with resolution. The noble Lord who had just spoken had said, that when on a former occasion he had addressed the House upon this subject, he had done so in a firm and resolute tone. He trusted that whilst he held his present situation, or whilst he should occupy any other station, he would never be wanting in firmness, or in resolution, on this or on any other subject. But he trusted, also, that all noble Lords would address the House in relation to this subject, with the greatest calmness, and the greatest temper, recollecting the vast importance of this matter, and the serious consequences to which their speeches might probably conduce. It was now about 100 years since this country, in consequence of complaints of injustice, which in modern times had been said to have been entirely without foundation, and which he himself believed to have been greatly exaggerated, and to have been mainly preferred for a party purpose, to injure the Ministers of that day, was hurried into a war which was not productive of any great honour or any great advantages, which had added seriously to the burdens of the country, and was the origin of many of those taxes that were most objectionable in our financial system, and with reference to which war, Burke had afterwards reprobated and condemned those who had been most active in authorising or in instituting it. Whilst, then, he advised the strictest attention and the closest observation to protect the interests of British subjects, he could not be sufficiently strong in his recommendation of a tone in their Lordships' discussions, which should be entirely free from every thing in the slightest degree irritating or offensive. He would not make any particular observation on the petition which the noble Viscount had presented; but he must remark, that at the conclusion, the petition prayed for something equally absurd and extravagant. It prayed, that we should get rid of the settlement altogether. Now, such a prayer might possibly proceed from the influence of the irritation under which the petitioners were smarting; or, probably if the matter were investigated it would be found that those who wished for a ground of attack against the present Government liked to convey their bitterness in that form. If he were to judge from the tone of unction with which the noble Viscount read the last sentence of that petition, he should be inclined to believe that the noble Viscount wrote it himself: it was very much in the noble Lord's style, except that it was calmer and simpler, and more to the purpose; and he could not help thinking that, at any rate, the petition had been suggested by a gentleman who had some personal purposes to serve, or some party enmities to gratify. He would begin with where the noble Lord concluded—with those questions which he brought under the consideration of the House in a former Session of Parliament respecting the outrage committed on certain vessels belonging to her Majesty's subjects at Portendic, and to the interruption of our trade on the coast of Africa. He had to say on this subject, that the French Government—the late French Government he meant, though of course he had every reason to believe the engagement he was about to mention would be acted upon by their successors—but the late French Government acceded to the establisment of a mixed commission for the consideration of all these matters, and the sitting of that mixed commission would have commenced, if it had not been from a delay on our part to appoint the persons who were to represent the British Government there. These gentlemen were now selected, and he saw no reason whatever to prevent the commission from forthwith commencing its operations. But at the commencement of the negociations nothing could be more inconvenient than the production of the previous correspondence—correspondence much of which in its nature must necessarily be adverse. In fact, the production would be more likely to impede the progress of the negotiations than to lead to any satisfactory termination. He would now proceed to relate all that the Government knew with respect to the proceedings on the river Casamanza. That river was one which, rising in the interior of Africa, ran into the sea parallel to the Gambia, but south of that river. The noble Lord said, that the nominal property of the river was vested in Portugal. It was a property which they had not been able to make good, but which they merely possessed nominally, in consequence of their having a small settlement at the mouth of the river. Up this river, at a certain distance from the coast, the French had purchased from the natives a piece of land; the French had purchased a factory, near an African village, of the name of Sessue. In August the Grant schooner entered the river, with a view of trading with the inhabitants of Sessue. They were warned by the French not to do so; and it was stated in the affidavits of the parties, that the people at the French factory endeavoured to persuade the natives of Sessue not to permit the English to trade. That vessel completed her cargo, and was going down the river, when they met another vessel, the Highlander, belonging, he believed, to the same firm. For the purpose of transhipping the cargo, the two vessels returned in company to Sessue. The moment a native canoe came off to trade, the two vessels were boarded by the French, the one worked down the river from some distance, and the other run aground. The crew left her, and some time after made their complaint to the governor of the Gambia. That officer communicated with the French governor of Senegal, who replied that he claimed no exclusive rights in the Casamanza river, but that he did claim the right in Sessue, because the French had purchased a factory there. The governor of Senegal also expressed a hope that the governor of the Gambia would endeavour to prevent British subjects from trading at Sessue. The governor of the Gambia refused to enter into any arrangement. All he said he would do was, to give every protection to British subjects that might repair to Sessue. He sent an officer to Sessue to learn the nature of the transaction between the natives and the French. This gentleman in his report stated that the natives admitted that the factory had been sold to the French, but they denied that they had sold the town of Sessue, and they declared that they did not intend to sell it. It appeared from this statement, therefore, to be an unwarrantable pretension on the part of the French in saying, that no foreign nation should have a right to trade with Sessue. No doubt their exclusive right to trade with the factory must be admitted. This was the real state of the question. He must now observe, that the last dispatch from the governor of the Gambia, giving the account of the officer sent to Sessue, was only received at the Colonial-office on the 10th of February—at the Foreign-office on the 20th. The natural course that the Government had to take, was to refer the question in the first place to the law officer, the Queen's advocate, and upon his opinion, and view, and advice, to make that demand for explanation, or reparation from the government of France, which the circumstances of the case would not only justify, but require. And, considering that the matter was so recent, that it was still pending, he apprehended that their Lordships would consider that this was not the time for them to take even a preliminary step in this matter. He trusted, in respect to this present question, that the noble Lord would not think it necessary to press his motion for further information. With respect to what had been said of persuading the French by depriving them of those commercial privileges which they now enjoyed, but which they did not appear willing to reciprocate, that was not the question now under consideration. The noble Lord, however, had mixed up a great many other matters with this subject. He trusted he should soon be able to give him more satisfactory information. The noble Lord said that our naval force on the coast of Africa was not sufficient; that there was not a ship in the Gambia and Casamanza rivers; and that there were no vessels on the coast. Their Lordships all knew that our vessels on the coast of Africa were engaged in putting down the slave trade, and that they had full enough to do in that service. The same dispatch which brought the account which he had alluded to, also brought the information that a vessel had been dispatched by the officer commanding at Sierra Leone, which he considered a force quite sufficient for the protection of our interests in that river. He trusted that this explanation would satisfy the noble Lord.

Viscount *Strangford:* I am aware that it is extremely irregular and unusual to make the request which I am about to make to the noble Viscount. I was forced to leave the House by indisposition when the noble Viscount commenced his address, and since I have come in again I have heard that the noble Viscount has been pleased to state something about my having suggested this petition. I call upon the noble Viscount, in that spirit of courtesy which is due from one gentleman to another, to tell me what he did say, in order that I may answer him.

Viscount *Melbourne:* Nothing is so fallacious as judgments founded on a similarity of styles. I said that the last part of the petition resembled very much the style of the noble Lord, and that perhaps he might have suggested it.

Viscount *Strangford:* It is, perhaps, my misfortune, but I have been so very little in correspondence with the noble Viscount, that I am at a loss to understand in what he founds his judgment as to the similarity of style. For the present, I merely declare, upon my honour, that not one line of that petition was written or seen by me till it was put into my hands.

The Earl of *Minto:* He would not have risen to say one word, if it had not been for the declaration of the noble Lord, that all this inconvenience to our trade had been occasioned in consequence of an insufficiency of naval protection on the African coast. The noble Lord alluded to the year 1835, and he stated that it was at the latter end. [Viscount *Strangford:* But I corrected myself.] But the noble Lord was not incorrect at all as to the date, for representations were made in the latter end of 1835, and in consequence of these representations the Admiralty dispatched a powerful force to the coast of Africa, in order to protect our trade and to assert the right of our merchants there. That protection at the time was successful. Since then occasional applications had been made for men of war, and in every case the application had been granted. This was fully acknowledged by the parties who made the applications.

The Earl of *Aberdeen* did not doubt, that his noble Friend had brought this subject under their Lordships' notice with extreme reluctance, and he was sure, that he had not taken such a step without mature consideration. His noble Friend must have been aware of the great inconvenience of discussing questions of this nature in that House, and he must have known, that complaints of this kind directed against a foreign state, and more particularly such a state as France, could not be unattended with the most grave and weighty considerations, from the serious consequences which might result from their discussion. Such were his opinions, and he therefore agreed with the noble Viscount at the head of the Government, that questions of this nature ought to be treated with calmness and deliberation. But while he made that admission, he must at the same time ask the noble Viscount what it was that he expected their Lordships to do? They saw the flag of England despised and outraged in every quarter of the globe. They were every day made aware of the complaints of the mercantile community for want of protection to their trade and commerce, and after vain and fruitless attempts to obtain redress from the Government, they found the merchants of this country addressing that House, and praying for the interference of their Lordships. Under such circumstances what were their Lordships to do? Were they to give to the Government that unmeasured confidence to which they could only be entitled from those who approved of their policy, and who sanctioned the measures which they adopted? It was impossible for noble Lords on his side of the House, holding the opinions which they had ever entertained of the noble Viscount and of his Colleagues in the Government, and of their conduct as a Government, to have that confidence in the energy of the noble Viscount and in the success of his representations and remonstrances with foreign powers, which would justify their Lordships in remaining silent when questions of this kind were brought under their notice. What encouragement, he would ask, had they to place that confidence in the Government of the noble Viscount? The Portendic case was one of the most flagrant outrages that had ever been committed on our flag and on the commerce of the country, and which, notwithstanding, was, after six years of remonstrance and representations, still unredressed; no result having followed the exercise of the authority possessed by the Government. Their representations and remonstrances had been without effect. At the end of those six years, however, it appeared, that a commission had been appointed. Such a step might have been proper in cases of a doubtful character, but here there was not a shadow of excuse for the outrage which had been committed, according to the opinions of those best qualified to decide on subjects of this kind. They had also now a more recent case of outrage, and the noble Viscount urged as a reason for not producing the papers which had been moved for, that such a step was premature, as the Government had only recently received an account of the affair to which he had alluded. That was, no doubt, a sufficient reason for resisting the motion of his noble Friend; but if in reference to this new case the result was to be six years' of fruitless remonstrances, and then the appointment of a commission, the parties aggrieved would have just right to complain in being thus exposed to all the miseries of delay. It was all very well to be cautious as to urging complaints of this kind upon the House; but the case of the present petitioners was not in any way similar to the cases of Captain Jenkins and others in the last century, for in this case the grievances were real and substantial. Nor were these outrages confined to one particular portion of the globe, for, go where they would, similar grievances met them in every place. He must say, that if this was the result of their much-boasted French alliance, that that alliance bore bitter fruit, as far at least as the commerce and prosperity of the country were concerned. No one could be more anxious than he was to preserve peace, and he should be most unwilling to do or say anything which could endanger it; but let him ask, had they the substantial thing itself, as well as the name of peace? If it was said, that they were actually at peace, why, then, had they so large a naval force in the Mediterranean? Why had they had of late years a revenue unequal to the expenditure—not from any falling off in the revenue itself, but solely on account of the increased expense caused by the military preparations of the Government. He did not complain of those preparations, for on the contrary he approved of them; but still he must say, that these things could not be considered as amongst the sweets of peace. He hoped, however, as no practical good could result from pressing the motion which had been submitted to their Lordships' consideration, that his noble Friend would consent to withdraw it. At the same time he must express a wish, that the noble Viscount at the head of the Government would use that firm tone which he had alluded to elsewhere than in that House, in order that his remonstrances might be productive of a beneficial result, and that other nations might see that this country was not so changed as to allow its complaints and its demands for the redress of grievances to pass without effect. Let France be as sincere a friend as she was represented to be, still he believed that she would not be less friendly if this country showed, that it was determined not to pass by such outrages as those to which their Lordships' attention had been directed, without obtaining redress. He trusted, that the efforts of the noble Viscount for the attainment of that object would be attended with greater success than they had hitherto been, and that would procure a settlement of these differences with much less delay.

Viscount *Strangford* said, that after the assurance which he had given the noble Viscount, that he had had no share in the preparation of the petition which he had presented to their Lordships, he trusted the noble Viscount would see the propriety of withdrawing the charge which he had made against him. He had certainly not imagined, that the noble Viscount would object to the production of the papers for which he had moved, but after what had fallen from his noble Friend (the Earl of Aberdeen), he should not persist in his motion.

Viscount *Melbourne* was sure, that if the noble Lord had heard what he had actually stated with reference to the petition, he would have admitted, that there was no charge whatever made against him. However, he now begged to say, that he had not intended to make any charge against the noble Lord, and if the noble Lord felt offended at the observations he had made, he at once withdrew them.

Lord *Holland* did not think, that there would have been anything improper in the statement, even if his noble Friend had said, that the noble Lord had assisted in the preparation of the petition. There would have been nothing of which the noble Lord could have had cause to be ashamed in offering his advice to the petitioners. He could not see, that there would have been any harm in the noble Lord, who agreed in opinion with the petitioners, suggesting the terms in which the document should be drawn up.

Viscount *Strangford:* Ay, my Lords, that may be true; but it is a different matter to present a petition to your Lordships under a false disguise, and under false pretences.

The Marquess of *Londonderry* said, the noble Viscount often made strong charges against noble Lords on his (the Opposition) side of the House, but when similar charges were directed against noble Lords opposite, the noble Viscount treated them with a sort of contempt. He could assure the noble Viscount, that there was no disposition on the Opposition side of the House to show temper, and he trusted, that their debates would always be conducted with calmness. With regard to the charge which had been made against his noble Friend, he must say, that if his noble Friend did write the petition, and then go and obtain the signatures of the merchants which were appended to it, such a charge was one of a grave and serious kind, and he was therefore very glad that the noble Viscount had apologized to his noble Friend.

Motion withdrawn.

HOUSE OF COMMONS,

Friday, February 28, 1840.

Minutes.] Bill. Read a third time:—Vagrant's Removal.

New South Wales—Education.] Mr. *Goulburn* wished to ask the noble Lord (Lord John Russell) a question respecting New South Wales. He observed from the newspapers of that colony, that there had been in the legislative council a measure propounded by the Governor for the general education of the youth of that colony. It appeared that by that measure the Roman Catholic youth of the colony were to be educated in one school, in the principles of their own religion, but that all the other youth of the colony were to be educated in one common school, in which, in order to avoid religious dissensions, no religious instruction was to be given, therefore giving to the Roman Catholics the benefit of religious instruction, but withholding it from the children of parents professing other religions. This proposition had, however, not met with the approbation of the Legislative Council. Now, what he wished to ask was, whether this proposition had been made by the governor in consequence of any directions from the Government at home?

Lord *John Russell*, in the first place, wished to observe, that he had received no despatches on this subject from the governor of that colony; therefore all the information which he had on the subject was probably derived from the same source as that from which the right hon Gentleman had derived his information, namely, from private letters and the colonial newspapers. He, however, gathered from them a somewhat different conclusion to that which the right hon. Gentleman had arrived at. He understood that the governor had made a proposition to the legislative council of the colony, on the subject of the education of the youth of the colony. He proposed that there should be one system of general instruction to all classes of Protestants, in conformity with the plan acted upon by the

British and Foreign School Society. The right hon. Gentleman stated, that this was a system of which religious instruction did not form a part. Now, the fact was, that a part of the instruction imparted in the British and Foreigh Schools was reading in the Bible. If the right hon. Gentleman adopted the language of another person, who stated that there was no religious instruction in connexion with this society, and that instruction in the Bible did not in itself constitute religious instruction, he could understand his observation. The proposition of the governor was, that all the Protestant children should be taught reading in the holy scriptures according to the system pursued in the schools belonging to the British and Foreign School Society. With respect to the Roman Catholic children, he understood that it was proposed that there should be separate schools for them, and that the religious instruction to be imparted to them should be by their own teachers. Great objections were made to this proposition in the colony, and the governor did not persist in it. He did not find that any instructions had been sent out to the governor of that colony authorising him to make this proposition.

Mr. *Goulburn* observed, that the question was as to whether or not any religious instruction was to be given in the schools proposed to be established for the Protestant children; but it was whether the children of Roman Catholics were to have provision made for their education in their exclusive schools in the Roman Catholic religion, while the children of the members of the Church of England were to be educated in schools from which religious instruction, in connexion with the Church of England, was to be excluded.

Lord *John Russell* replied, that he had received no official information on the subject, but he imagined that it was proposed that the religious instruction to the children of Protestants was to be given in their schools, and that they were to be taught to read the holy scriptures, and of course not excluding them from religious instruction by their respective clergymen. The instruction in the Roman Catholic schools was to be in conformity with the faith the children professed. He, however, could only repeat, that he had received no official information on the subject.

PERTHSHIRE WRIT.] On the motion of Sir G. Clerk, Mr. Wilbraham, the deputy clerk of the Crown, was called to the bar and examined.

He stated that he was deputy clerk of the Crown, and that it was his duty to make out the new writs for the election of Members of that House. The chief-clerk, in his office, received a warrant from the Speaker, on Friday last, for the election of a new Member to serve for the county of Perth. He understood that the warrant for the new writ was received at about ten minutes to seven o'clock. The new writ for the county of Perth was made out immediately on the receipt of the warrant. It was then sent to the Lord Chancellor's office for the purpose of being sealed, it was then finally dispatched to the Post-office. This was at about a quarter past seven. The writ was not made out in exact conformity with the warrant of the Speaker, as the chief clerk made it out in the usual form, that Viscount Stormont was called up to the House of Peers. Shortly afterwards he found that he had not issued it in exact conformity with the Speaker's warrant, and this erroneous writ had been despatched by Friday's evening mail. He immediately prepared another, which he got sealed, and took care to have it sent away by the mail on Saturday morning. He believed that the chief clerk discovered the mistake that he had made shortly afterwards, perhaps within an hour or less of its being sent away. He discovered it before he left the office. He prepared the writ in the usual way in which it was done in similar proceedings. The first writ had been returned to him by the sheriff. He understood, that immediately on the discovery of the case, the chief clerk in his office came to the House, and had an audience of the Speaker, and asked his advice as to the course that he should pursue. The Speaker, however, declined to give any advice. The chief clerk, therefore, took upon himself to make out and issue a fresh writ; and if he had been in the way, he should have given instructions for this purpose, and have taken care that a new writ was immediately issued. The first writ was returned to his office by the sheriff of Perthshire, in conformity with the instructions of the chief clerk. He was not aware of any precedent for ordering a writ to be returned to his office. He believed the chief clerk desired to have the writ returned. He knew the sheriff did return it. He had no doubt that copies of the letters which passed were preserved at the office. In explanation of the mistake he had only further to say, that it was the long-established custom of the Crown-office to send off writs, if possible, by the mail, on the night on which the Speaker's warrant was issued. With this view, new writs were prepared on the day on which it was known they would be moved for in the House, and in this way there had been a difference between the writ and the Speaker's warrant.

Clerk of the Crown withdrew.

Sir *George Clerk* said, that after the facts which had been stated by the clerk of the Crown, he thought it would be generally felt, that he was fully justified in calling the attention of the House to this subject. It appeared from the evidence given by the clerk of the Crown, that whatever had been done with regard to issuing the writ had not been done by the Clerk of the Crown in person, but by his chief clerk. It appeared to be the practice of the office, as far as he could gather from the answer which had been given, that on receiving information that a new writ would probably be moved for at the meeting of the House, the Clerk of the Crown at once prepared the writ. Perhaps that was attended with general convenience. It appeared on the present occasion that the Clerk of the Crown had exercised his discretion on the subject, and naturally conceived that the writ to be moved for on Friday would be made out in exact accordance with new writs in similar cases. In consequence of the discussion which had taken place in the House, the regular form had been departed from in the warrant, and so the mistake had arisen. It appeared from the evidence of the Clerk of the Crown, that though the writ was not sent to the Lord Chancellor to be sealed until the warrant was received, yet it was despatched without the warrant having been read. There was another point of some importance as being without precedent. It was without precedent that the Clerk of the Crown, and still more his subordinate officer, should take upon himself to write to a sheriff to order him to return a writ which had been issued from the office. The House had always exercised the greatest jealousy in reserving to itself the discretion of issuing, suspending, or superseding new writs. He thought it was a question deserving of the consideration of the House, whether in cases of this kind a special report should not have been made to the House, in order that the error might be corrected, the first writ superseded, and the new writ issued by the authority of the House. No practical inconvenience had arisen in the present case, but there did not appear any sufficient justification for the clerk's negligence in despatching the writ the moment he received the warrant, without taking the ordinary precaution of reading the warrant, in order to make out the writ in conformity. He trusted that hon. Gentlemen would agree that this case, at all events, ought not to be drawn into a precedent. Under these circumstances he did not wish to pursue the question further, but he hoped that greater care would be taken in the issuing of writs in future.

Lord *John Russell* thought the hon. Gentleman quite right in calling the attention of the House to this subject. It did not appear that there was any error in the warrant of the Speaker, but that it occurred entirely in the office of the Clerk of the Crown. It was quite right that this case, and every other case of a similar nature, should be brought before the notice of the House; and he agreed with the hon. Gentleman that, attention having been called to it, it was to be hoped that no similar error might arise.

Subject dropped.

CONTROVERTED ELECTIONS — LUDLOW.] Mr. *Ord*, the Chairman of the General Committee of Elections, moved "That the order of the 19th of February, for the attendence of panels No. 1 and 2 on the 12th and 16th of March be discharged, and that the petition of George Hooper and others be referred to the general committee of elections."

The *Solicitor-General* said, that the hon. Member who had just sat down had called his attention to the difficulty in which the general committee of elections found themselves in reference to this subject, and had consulted him as to the course which ought to be taken. With the permission of the House, he would state what the difficulty was, and what appeared to him to be the remedy. The difficulty had arisen from this circumstance—that the Ludlow Election Petition was an election petition of last session. By the 93rd section of the bill brought in by the right hon. Baronet opposite, it was enacted that all petitions of a former session should be brought forward before any petitions of the present session. He believed, that petitions, when so brought forward in the present session, would be subject to all the provisions which would apply, supposing the petition had been in fact presented in the present session. It appeared, that in the Ludlow Election Petition, the sitting Member declined the defence of his seat. Certain electors petitioned to be let in to defend in his stead. The clauses which related to such a state of things he had read to the House. The first section which applied to it was the 19th, which provided, that when the sitting Member declined defending his seat, notice thereof should be given in the *London Gazette*. By section 20 the electors might be let in to defend in his place; and upon their admission, the petition should be treated in all respects as an election petition. Section 30 provided, that all election petitions, and petitions treated as election petitions, should be referred to the general committee; that proceedings, in cases where the sitting Member declined defending his seat, should be suspended for thirty days after the appearance of the required notice in the *London Gazette*. It provided further, that the general committee should make out a list of petitions, putting them in the order in which they have been reported on by the examiner of recognizances, and not including in the list any petition in which the proceedings had been suspended; that is, petitions in which the sitting Member had declined to defend his seat. In every case in which proceedings should be afterwards suspended, it was provided, that it should be struck out of the list of the general committee and placed at the bottom of the list. This section, therefore, directed, that the list to be prepared should not contain any election petitions in which proceedings had been suspended, and also contemplated cases in which proceedings might be suspended afterwards. By this section he believed the present difficulty would be determined. The 47th section directed the general committee to give three weeks notice of the day appointed for choosing a special committee, and required those special committees to be chosen in the order in which they stood on the list. The 48th section provided that notice of the day should be given to all parties, including the parties let in to defend instead of the sitting Member. These were the questions affecting this case. The Ludlow election petition was referred to the general committee, who, believing it regular, proceeded to appoint the day for nominating the special committee, and to give the proper notices. It was afterwards discovered that, by reason of the omission to refer to the committee, the petition of the electors praying to be let in to defend, there was no provision for giving notice to the parties connected with that petition. The day was now approaching on which the special committees should be nominated in the order in which the petitions stand on the list. The Ludlow petition stood early on the list, and the committee, for the reason he had mentioned, were not in a situation to nominate the committee upon it. The question then was, what were they to do with the remainder of the petitions—whether to propose all, or to postpone the Ludlow committee only, and proceed to nominate the others? It had been proposed to postpone; but he (the Solicitor-general) submitted, that that was not necessary. It would induce an inconvenience by no means necessary, resulting from the act of Parliament. By section 30, the Legislature had provided for cases in which, after petitions were put upon the list, proceedings were suspended, by directing such petitions to be struck out of the list and placed at the bottom. He thought, from the short consideration which he had been able to give the question, that there would be no difficulty in the general committee striking the Ludlow petition out of the list, and placing it at the bottom. They would then be in a situation to proceed with the nomination of the other committees. He might farther observe, that if this particular case was not exactly provided for by the act, it should be borne in mind that those sections in the act which had reference to the point were the director's part; and, therefore, though the House was bound to adhere to them, and, in certain cases, parties might be punished for not doing so, yet if the necessity of the case compelled steps to be taken which the act did not provide for, they would not affect the validity of the proceedings under it.

Mr. *Ord* said, that perhaps it would be better to withdraw his motion if the course pointed out by the Solicitor-general was the proper one to be adopted.

Motion withdrawn.

Sir *George Clerk* did not gather from the observations of the learned Solicitor-general, that, in his opinion, the general committee had authority to suspend the proceedings in the Ludlow petition only. No doubt it would be productive of advantage if they had; but it appeared to him that an order should be made for the purpose by the House itself. The provisions of the act showed the greatest jealousy of allowing the general committee to alter any of the arrangements by which the committees were chosen.

The *Solicitor General* thought, that from the provisions of the 30th section, the general committee might exercise the power of striking out the Ludlow petition from the list, and placing it at the bottom.

Sir *Thomas Freemantle* said, that there appeared to him to be great doubt whether the committee could exercise such a power.

Sir *E. Sugden* thought it would be desirable that this question should be adjourned till Monday, to give time for consideration. He was disposed to think that the committee had not the power of themselves to place the Ludlow petition at the bottom of the list. The cases in which election petitions could be struck out were specially provided for, and this did not appear to be one of them.

Sir *R. Peel* said, that it appeared to him of the greatest importance that the course which they took should be consistent with justice to the individuals concerned, and should not be such as to establish an inconvenient or dangerous precedent. He thought it desirable that they should have the opportunity of a few hours' consideration. He thought the hon. and learned Solicitor-general observed that he had not had time fully to consider the act. If the hon. and learned Gentleman had time to express a positive opinion, that opinion would be decisive with him (Sir R. Peel). It was, therefore, with perfect respect for his legal opinion, that he suggested it might be advisable to take some time for consideration. There were two questions—one was, whether the general committee had the power of suspension in this case, which he confessed he had some doubt of. It should be recollected, that their inherent and constitutional power was fettered by positive enactment, and if the power of the committee were doubted, another question might arise, whether the House had power to make an order on the subject. He trusted it would be found that the House had that power, because no authority but the House could exercise it satisfactorily. He submitted that there would be no inconvenience in the delay, and if the debate were adjourned till Monday, perhaps the learned Solicitor-general would have the goodness maturely to consider the question.

Lord *John Russell* had no objection to the postponement of the debate. He wished to give no opinion upon the point. He was inclined, so far as a bias went, to think, that if the general committee could decide the question, it ought to be decided by them. One of the inconveniences of the former practice was, that so many questions were brought for the decision of the House. Questions of this nature could be decided with much more deliberation in the committee than by the House at large.

Subject postponed.

Service of Notices.] Sir *George Clerk* had called the attention of the House on the previous day to some irregularities in the service of notices, signed by the chairman and the general committee. In order to inquire into those irregularities, he should now move, "That Mr. Rose, the clerk who attended the committee, be called to the bar."

Motion agreed to.

Mr. Rose called in and examined: He stated that he was clerk to the general election committee, and he had received the notices from the chairman of the committees for the parties in the Ludlow election petition; these were notices for the petitioners who defended the return, as well as for the petitioners against the return. He stated, from memory only, that he had received two notices, signed by the chairman, more than twenty-one days previous to the 12th of March. He delivered these notices to the messenger of the House, and directed him to deliver them to the parties in the same manner in which they had been delivered in the last session, as well as the previous session. The messenger had not informed him that he had served the notices upon the several parties. He conceived it to be the duty of the messenger, if he had served those notices, to inform him of the circumstance. He had since received an intimation that the notices had not been served upon the petitioners, or their agents. He received that information from one of the agents of the petitioners. He received that notice on Monday last. He then inquired what had become of the notices that he had given the messenger. He then found that by some accident they had not been given to the petitioners against the return; but had been taken as notices to the persons who prayed to defend the return. The names of those to whom the notices were addressed were at the bottom of the notice. He was told, that they had not been duly served on the proper parties. These notices had since been seen in the possession of Mr. Coppock. Mr. Coppock was not the agent of the sitting Member, as at that moment there was no sitting Member. Mr. Coppock did not give him any reason for his coming into possession of the notices. He presumed that the notices were still in the possession of Mr. Coppock: he had seen them in Mr. Coppock's possession on Tuesday last. He did not know if they had been given to Mr. Coppock by the messenger to whom he intrusted them. Mr. Steyne was the messenger to whom he had intrusted them. The reason he gave the notices to Mr. Steyne was, that Steyne had been accustomed to serve notices on former parties. He did not direct the messenger to go to Mr. Coppock's office. He adopted the same course with the other notices that had been pursued with respect to the petition for Ludlow. The notices were directed to Mr. Alcock, and to the parties defending the petition. He was not clerk of the recognizances. By a reference to that office the agents might be discovered.

Mr. Steyne, messenger, called in and examined. He said that he had received notices from Mr. Rose to deliver to the parties in the Ludlow election, and was told to serve them on the different parties. He had not served them. He gave them to Poingdestre, and told him to inquire of Mr. Parkes or Mr. Coppock who were the agents of the parties. Poingdestre told him that he had delivered them to the wrong person. He heard that Poingdestre had given them to Mr. Coppock; but he knew nothing except what he had heard. The whole of the proceedings upon the present occasion were the same as in the former session of Parliament. In former sessions he had served those notices himself; but he was not now so employed, as he was on duty in another part of the House.

Mr. Poingdestre examined. He had received notices to deliver in the Ludlow election. He had to inquire as to who were the agents in the Ludlow election petition, and he was directed to apply for that information to Mr. Parkes and Mr. Coppock. He met Mr. Coppock in the lobby of the House and asked him for information. Mr. Coppock said, if he gave him the notices all would be right, as he was concerned in the petition. He delivered all the notices that he had in his possession excepting one, which was for Sir Thomas Cochrane, he being a Member of the House. The notices were addressed to the petitioners and to the sitting Members. He had himself been for three years a messenger of the House. He delivered all the notices to Mr. Coppock on the 18th instant. He asked Mr. Coppock for information with regard to the agents in the election petition for Ludlow on both sides. Mr. Coppock requested him to deliver them to him, as he was concerned in them. Mr. Coppock stated to him that the trial would not come on. The practice was to deliver the notices to the agents. Mr. Rose did not inform him who were the agents. He had told Mr. Rose, but he did not know how many days ago, that he had delivered the notices to Mr. Coppock. He considered that he had discharged his duty in the matter. He had served notices on the Totness and Cambridge electors, on Mr. Parkes, and another on a Member of the House, who was known to him.

Witnesses having withdrawn,

Sir *G. Clerk* said, that it must now be apparent the very extraordinary and very negligent manner in which notices were served, it being in the power of any party to take those notices from the messengers, and thus defeat the intentions of the House. It appeared that the proceeding with the Ludlow election, which had been appointed for the 12th, must be defeated, independent of other circumstances which had transpired. The House he was sure must feel that the matter could not rest here, and that Mr. Coppock should be ordered to attend to explain why it was that he asked for and obtained from the messengers the notices, and retained them from the 18th instant until the present time.

Mr. Coppock at the bar, and examined. He was agent for the petitioners in defending the return for the Ludlow election. The messenger Poingdestre had delivered to him two notices—one for the sitting Member, and the other for the petitioners. He was agent for the petitioners—for the petitioners who defended the return.

To what parties was the notice addressed?—It was addressed to the parties petitioning against the return, for whom I am not agent. The notice was addressed to the petitioners opposing the return. He had a conversation with Poingdestre, who met him as he was coming up the lobby, and asked him if he knew the agents in the election petitions, as he had some notices to give them. Poingdestre then went up stairs, and brought them down to him. He took those which he conceived related to himself, and gave the messenger back the others. The others related to the Totness and Cambridge election petitions. He did not examine them closely; one was an address to the sitting Member, complaining of an undue return; and upon the other the name was written small, and petitioners in large letters, and he conceived it was for the parties for whom he was interested. He did not discover his mistake until Monday last, when he gave to Mr. Alcock his notice, and then it was that, for the first time, he discovered that he had the notice addressed to the other parties. When he discovered that the notice was not for him, he supposed that the agent on the other side had got that which was intended for him. He thought the notice was good, as it was a mere change of papers. He had the notice at home. He had received a notice which ought not to have been delivered to him, but he had not received a notice which ought to have been delivered to him. Both these would be of a precisely similar description, merely fixing the day of trial. Immediately that he discovered the error he consulted his counsel as to the course he ought to adopt as to waving any objection, and the reply of the counsel was, that he could not wave the objection, as his clients had not received due notice.

Witness ordered to withdraw.

Evidence to be printed.

Municipal Corporations (Ireland).] Viscount *Morpeth* moved the Order of the Day for going into Committee on the Municipal Corporations (Ireland) Bill.

House in Committee.

On schedule A being put,

Mr. *Dunbar* moved, that the town of Belfast be struck out of schedule A and placed in schedule B.

Viscount *Morpeth* would at once declare, that he must adhere to the schedule as at present constituted.

Mr. *Litton* reminded the Committee, that Belfast had petitioned against being included in schedule A.

Mr. Sergeant *Jackson* thought, that a different rule ought to be adopted towards those four towns that had petitioned against being included in schedule A, and those who were willing to be included in it.

The Committee divided on the original motion;—Ayes 67; Noes 26: Majority 41.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Busfield, W.
Callaghan, D.
Collier, J.
Collins, W.
Corbally, M. E.
Curry, Mr. Sergeant
Dalmeny, Lord
Duke, Sir J.
Finch, F.
Fitzpatrick, J. W.
Greg, R. H.
Harcourt, G. G.
Hawkins, J. H.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hume, J.
Humphery, J.
Hutton, R.
Lynch, A. H.
Morpeth, Viscount
Morris, D.
Murray, A.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Conor, Don
Parnell, rt. hn. Sir H.
Pechell, Captain
Pigot, D. R.
Price, Sir R.
Rice, E. R.
Roche, W.
Russell, Lord J.
Smith, B.
Stock, Dr.
Strutt, E.
Style, Sir C.
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Warburton, H.
Wilde, Mr. Sergeant
Wood, C.
Wood, G. W.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.

O'Ferrall, M.
Parker, J.

List of the NOES.

A'Court, Captain
Arbuthnott, hon. H.
Blair, J.
Cochrane, Sir T. J.
Cooper, E. J.
Corry, hon. H.
Darby, G.
Du Pre, G.
Farnham, E. B.
Halford, H.
Hodgson, R.
Jackson, Mr. Sergeant
Kemble, H.
Lucas, E.
Mackenzie, T.
Marsland, T.
Maunsell, T. P.
Maxwell, hon. S. R.
Perceval, Colonel
Plumptre, J. P.
Polhill, F.
Smyth, Sir G. H.
Thornhill, G.
Trench, Sir F.
Verner, Colonel
Young, J.

TELLERS.

Dunbar, —
Litton, E.

Mr. *Blake* objected to the insertion of the town of Galway in this schedule, and stated, that the House of Lords had excluded it from a similar bill last year, upon sufficient grounds being shown before the Committee. He therefore moved, that Galway be expunged from this schedule.

Mr. Sergeant *Jackson* seconded the amendment.

Mr. *Lynch* was satisfied, that it would be more in accordance with the wishes of the inhabitants of Galway if that town were placed in schedule B.

Mr. *O'Connell* thought, that Galway ought to stand in schedule A.

Viscount *Morpeth* regretted, that he could not comply with the request of his hon. Friend; but as in the case of Belfast he had evinced an insensibility to the allurements of the hon. Gentlemen opposite, so in the present instance he must prove equally coy when courted by his hon. Friend. He could not consent to remove Galway from schedule A.

Mr. *Dunbar* supported the amendment. He believed the inhabitants of Galway to be unanimous in their wish to have that town placed in schedule B.

The Committee again divided on the original motion:—Ayes 79; Noes 47: Majority 32.

Schedule agreed to.

Mr. Sergeant *Jackson* moved the insertion of a clause after clause 4, to enable all persons entitled to vote as freemen or burgesses in the election of Members to serve in Parliament for any borough, to vote likewise in the election of the town councillors and aldermen of such boroughs to be elected under the provisions of this bill. The ground of his motion was this: that the freemen of these corporations had vested interests in the local government of their towns; they were efficiently represented in the town council of Dublin as in other corporations, and he thought it only right and just to continue them in the same position, and to give them a voice in the election of the aldermen and common councillors under this bill. The effect of the bill as it now stood would be to transfer their corporations from the Protestant part of the community into the hands of the Roman Catholics. That certainly would be the case with all the towns in schedule A, except Belfast and Londonderry; and her Majesty's Attorney-general had said, that if that were the effect of the measure, he should be the first to oppose it. The hon. and learned Member for Dublin had scouted that idea, but he (Mr. Sergeant Jackson) had taken the liberty of showing to the House the other night, from returns on the table, that there was a large majority of 10*l.* householders who were Roman Catholics, except in Belfast and Londonderry. He knew, that in some respects those returns were inaccurate which were furnished by the commissioners of public instruction. He could prove it; but they were the nearest approximation to the truth which he could obtain. He proposed now, therefore, to give the freemen a voice in the election of the aldermen and town council, with a view to counterpoise the influence of Roman Catholics, which this bill must produce.

Viscount *Morpeth* thought the hon. and learned Member could hardly be serious in pressing a proposition so entirely inconsistent with the principle and frame-work of this bill. It was not necessary for him to argue the question. The hon. and learned Sergeant said, that most of the present freemen were Protestants, and that might be so; but, looking at some of their late proceedings in the corporation of Dublin, looking at the vulgar squabbles in which they had been engaged—charges banded about of peculation and corruption—there was at present a dispute, he believed, about the disposal of one Church living, looking, too, at their recent conduct with regard to the learned Recorder, he must say, that a body of men who could treat one of their stoutest defenders as he had been treated, were not exactly the class of persons most fitted to take the management of local interests. He should oppose the amendment as being at variance with the spirit of the bill.

Mr. *W. Roche* thought, that nothing could be more destructive of the principle of this bill than an amendment like the present.

Mr. *O'Connell* said, that anything equal to the profligacy with which the corporation of Dublin had squandered 200,000*l.* could not be conceived. The hon. and learned Sergeant admitted, that he had spoken from inaccurate returns; but he reminded him of the lawyer who replied to an objection, that certain evidence was not legal,—"True it's not legal, but it's good enough for the jury." And so the learned Sergeant said—"It's not accurate, but it's good enough for the House of Commons." The bill would be good for nothing if they let these freemen in. The evil would remain during fifty years. Roman Catholics had been admissible to the freedom; but not a single one had been admitted in that period. The object of this bill was to throw religious distinctions aside, and to substitute, by way of qualification, the resident property of the town. The great cause of the present quarrel between the corporation of Dublin was, that he had defended them from the charge of being an exclusive corporation; but they insisted that they were. They had, no doubt, been exclusive, and this bill was proposed to remedy that evil.

Mr. *Bellew* said, that if the returns referred to by the learned Sergeant were correct, he could only rejoice that the Liberal party were so strong; and the learned Sergeant ought not to be quite so sure that there would not be a Liberal majority even in Belfast and Londonderry. He regarded the discussion upon this measure with great satisfaction, because he looked upon it as the last time on which those questions would be discussed in that House. They seemed now, indeed, to be coming to the whispering of a faction, not strong enough to be heard out of that House, and very little within it.

Mr. Sergeant *Jackson* had referred to the only returns which were at his command, and they were the parliamentary returns laid on the table of the House. They at all events gave an approximation to the truth; and if they were not quite accurate, the disproportion was so great, that his argument would not be effected. The proportion between the Roman Catholics and Protestants was as two to one, or as three to two in all the towns in the schedule, except Londonderry and Belfast. This was a Protestant constitution, and the local Government of these towns ought not to be transferred wholesale from the Protestant to the Catholic inhabitants. It had been said, that if the property were in the hands of the Roman Catholics, then they ought to have a voice in the local government on account of that property. But he denied the fact; for though a majority of those who occupied 5*l.* and 10*l.* houses might be Catholics, still the property of the country was in a large proportion in the possession of the Protestants.

Sir *R. Inglis* said, the noble Lord had said something about the vulgar squabbles of the corporation of Dublin, but was that the only place where vulgar squabbles occurred. The hon. and learned Member for Dublin had charged the corporation with peculation and profligacy to the amount of 200,000*l.*, but was that House the tribunal to decide such a case? If the case were true, the Courts of Law were the proper tribunals to appeal to. No ground could be more untenable for the destruction of a class of persons holding vested rights than that particular persons had not always spoken and acted with discretion.

Lord *J. Russell* said—The hon. Baronet seems to have taken offence at the words "vulgar squabbles," which were used by my noble Friend; but the hon. Baronet, I think, has heard words not much more civil used on the part of the Orange Association in Dublin.

Mr. *M. J. O'Connell* was perfectly satisfied that this clause had not been proposed with a view to carrying it into effect. The learned Sergeant could not carry it into effect; but though he acted according to the letter of the arrangement which had been made, he seemed disposed to violate its spirit. He, however was rejoiced to see that the hon. and learned Sergeant had by his conduct driven away the leaders of his party in that House. It would be much better to oppose the measure openly and honestly than, professing to support the principle of it, to attempt to introduce clauses calculated to defeat its main objects. As to the corporation of Dublin, they had admitted eighty-three freemen between the years 1832 and 1835, of whom only one was a Catholic.

Mr. *W. Roche* said, that hundreds of the freemen of Limerick had never seen the place, the drummers and fifers of a particular regiment, he believed, on one occasion, had been made freemen.

Colonel *Perceval* said, there was no ground for charging his hon. and learned Friend with factious opposition to this Bill; he had last Session given notice of the same motion as the present, and had only been prevented by an accident from bringing it forward. He believed that the present unpopularity of the learned Recorder of Dublin, which he hoped was only temporary, had arisen from the part he took in supporting the second reading of this Bill; but that hon. and learned Gentleman had together with himself and his learned Friend near him (Mr. Sergeant Jackson) felt themselves bound in honour so to act in consequence of their acquiescence in the proposition, that if the tithe question were settled on a satisfactory basis, they would not oppose the principle of the Government corporation plan.

Mr. *J. Young* could not see how it would be just to admit a rabble of 700 or 800 men to vote along with the rate-payers. The parties who paid the rates were those who should alone exercise the municipal right, and therefore, although he had assented to all the other propositions of his hon. and learned Friend, he could not support him in his present motion.

The Committee divided on the clause—Ayes 44; Noes 97: Majority 53.

List of the AYES.

A'Court, Captain
Arbuthnott, hon. H.
Bagge, W.
Bailey, J. jun.
Baring, H. B.
Boldero, H. G.
Bruges, W. H. L.
Buck, L. W.
Burroughes, H. N.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, Lord Viscount
Cooper, E. J.
Corry, hon. H.
Darby, G.
Darlington, Earl of
Dunbar, G.
Du Pre, G.
Fellowes, E.
Greene, T.
Grimsditch, T.
Halford, H.
Henniker, Lord
Hodgson, R.
Hope, G. W.
Ingestre, Lord Visct.
Inglis, Sir R. H.
James, Sir W. C.
Kelly, F.
Litton, E.
Mackenzie, T.
Maunsell, T. P.
Maxwell, hon. S. R.
Neeld, J.
Perceval, hon. G. J.
Plumtre, J. P.
Polhill, F.
Praed, W. T.
Sandon, Lord Visct.
Scarlet, hon. J. Y.
Somerset, Lord G.
Trench, Sir F.
Verner, Colonel
Waddington, H. S.

TELLERS.

Colonel Perceval
Mr. Sergeant Jackson

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. H.
Bewes, T.
Blake, M. J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Busfeild, W.
Clay, W.
Collier, J.
Collins, W.
Corbally, M. E.
Curry, Mr. Sergeant
Dalmeny, Lord
Duke, Sir J.
Elliot, hon. J. E.
Ewart, W.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P.
Gisborne, T.
Gordon, R.
Grey, rt. hon. Sir G.
Harcourt, G. G.
Hawes, B.
Hayter, W. G.
Hector, C. J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howard, P. H.
Hume, J
Humphery, J.
Hutton, R.
James, W.
Johnson, General
Labouchere, rt. hon. H.
Lushington, C.
Macauley, rt. hn. T. B.
Melgund, Lord Visc.
Morpeth, Lord Visct.
Muntz, G. F.
Murray, A.
Noel, hon. C. G.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Palmerston, Lord Vis.
Parker, J.
Parnell, rt. hon. Sir H.
Pechell, Captain
Pigot, D. R.
Price, Sir R.
Pryme, G.
Rice, E. R.
Roche, W.
Russell, Lord J.
Salwey, Colonel
Seale, Sir J. H
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Stock, Dr.
Strangeways, hon. J.
Strickland, Sir G.
Style, Sir C.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigurs, N. A.
Vivian, right. hn. Sir R. H.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Winnington, Sir T. E.
Wood, C.
Wood, B.
Yates, J. A.
Young, J.

TELLERS.

Stanley, Hon. E. J.
Tufnel, Mr.

The House resumed, report to be brought up.

SUPPLY—NAVY ESTIMATES.] House in Committee of Supply.

Mr. *More O'Ferrall* proposed, that the sum of 1,142,504*l.* be granted to her Majesty to defray the charge of wages to seamen and marines, and to the ordinary and yard craft, which will come in the course of payment during the year ending the 31st of March, 1841.

Sir *T. Cochrane* wished for some explanation from the hon. Secretary, as to some parts of the paper which he held in his hand, which purported to be the naval balance sheet for the last year. He also wished for some explanation as to the addition to the estimates that appeared to have occurred in the course of last year, more especially as regarded the charge for naval stores, for the wages of artificers, and also for the conveyance of troops, &c. Previous to putting this question, he wished to state, that he had intended to have proposed a motion for returns, which would have given the House adequate information respecting the present state of the navy; but when he was told that the motion would be opposed on the ground that furnishing the returns would embarrass the Government, he felt it to be his duty not to press for them. He confessed that he thought it was very questionable policy to adopt a course of concealment as to the state of the navy of this country. He did not think that any disclosure that the Government could make respecting it could do one-half the injury that the system of concealment respecting our naval force was likely to produce. No one who had not been recently abroad could be aware of the extent to which the feeling prevailed, that the naval force of this country had declined, and it was believed, that it was in such a state, that it was utterly impossible for us to enter upon a war with a great naval power. He could not see why the Admiralty could not follow the example of the French government, which annually made a clear and elaborate statement as to the naval force of that power. If there was any deficiency in the navy, he was sure that the country, and the House, would not hesitate to come forward, and supply any defect that might arise, and if it appeared that, notwithstanding the statements that had been made, we had a large naval force, it would cause the country to be respected by any power that had a hostile feeling to it, and it would command the confidence of our friends. He was convinced that the system of concealing the real state of things must prove deeply injurious to the best interests of the country. He now wished to ask the hon. Member for Kildare explanations as to two points which he found in the naval balance sheet. In the first place, he found last year the actual charge for the wages of seamen and marines fell short of the sums voted, by not less than 74,892*l.* 12*s.* 10*d.*, and there was also a falling short in the charge for victuals for seamen, &c., to the amount of 46,340*l.* 4*s*, making together the sum of 121,232*l.* 16*s.* 10*d.* Now, this sum was somewhat about equal to the charge for the maintenance and wages of 2,160 seamen for one year. It appeared, also, that there were great additional charges in other departments connected with the Admiralty, and these additional charges had been liquidated out of this falling short of expenditure in comparison with the income. It would appear, then, that the Admiralty was falling back into the system that was pursued some years ago, of transferring the balance of one vote to the deficiency of another. He had always understood, that when the right hon. Member for Pembroke introduced the balance sheet, that the system he had adverted to was never to be pursued again. He knew that the right hon. Baronet strongly condemned the system, and thought it to be so objectionable, that he introduced a clause on the subject into the act, for the regulation of the civil department of the navy. Indeed he had always understood, that the chief reason of the balance-sheet was to show that the money voted for one purpose was not devoted to another. He therefore hoped that the Secretary for the Admiralty would explain how it happened that sums of money which had been voted for the wages of seamen, and for their victualling, had been applied to dock-yard establishments, to the wages of naval artificers, and to the purchase of naval stores.

Mr. *More O'Ferrall* replied, that with reference to the motion for returns which had been alluded to by the gallant Officer, he could only repeat what he stated on a former occasion, namely, that the Admiralty felt that they could not be given in consistency with the welfare of the service; but if the gallant Officer, or any other naval officer chose to call at the Admiralty, he should be very happy to furnish him with the information which he required. With respect to the devoting the surplus of one vote to any deficiency in another vote in the year, he could only reply, that it was a practice which had always been followed at the office to which he belonged. He had never heard it complained of before, and it was hardly possible to avoid doing so in certain respects, in consequence of the system of paying the wages of seamen.

Sir *Thomas Cochrane* observed, that he should not feel himself justified in going to the Admiralty, and looking over the papers in question, as he could not afterwards avail himself of any information that he might acquire from them there. What he wished for was, that the House and the country should be put in possession of this information in a tangible form. He confessed that the explanation of the hon. Secretary as to the balance-sheet was not satisfactory. The question was not as to the custom of transferring the surplus of one vote to the deficiency of another, or as to whether it was good or bad; but it was a rule laid down by Lord Grey's government, and, if he was not mistaken, declared in an Act of Parliament, and this was a departure from it. He believed that Lord Grey's government introduced the naval balance sheet, with a view of putting a stop to the system. In the year 1831, the right hon. Baronet, then First Lord of the Admiralty, denounced the system in the strongest terms, and said that it was illegal, and if he was not much mistaken, that he had taken the opinion of counsel as to the propriety of undertaking prosecutions for it.

Mr. *C. Wood* stated, that he was the person who should, properly speaking, have been hauled over the coals by the gallant officer for this transfer, which appeared in the balance-sheet. The gallant Officer stated, and truly, that the right hon. Member for Pembroke, in 1831, blamed the Admiralty for the transfer of any surplus to other votes. He admitted that, according to the rule then laid down, this was an apparent departure from it, but circumstances had arisen which fully justified it in this instance. In the summer of 1838, when affairs bore a more hostile appearance than they had previously done, it became necessary to make some considerable addition to the naval force, which there was no opportunity of providing for immediately by a vote. Since the year 1836, they had been gradually increasing the naval establishments of the country, and it was attended with great inconvenience and expense to make a large increase at once. The course which was pursued was to make a gradual increase in the votes for wages, for the yards, and for stores. A greater increase, however, became necessary in 1838 than was anticipated, and more particularly in the charge for stores. The chief portion of the additional charge arose from the necessity of purchasing vessels and stores for ships in the lakes of Canada. He trusted that this explanation would satisfy the Committee as to the excess in the three votes which had been alluded to. He would now say a few words with respect to the naval balance sheet. He admitted that the right hon. Member for Pembroke drew up a rule for the limitation of the expenditure of the Admiralty to the estimates of the year. He was sure that the hon. Member for Stamford would confirm him in asserting that there was no branch of the public service where the rule could be applied with so little strictness as the navy. There could be no doubt as to the payments in the yards, but as to wages, victuals, and stores, it was impossible that the charge could completely concur with the vote. This was more particularly the case as regarded the payment of the wages of seamen. At present a portion of their wages went to their families, another portion was allowed them in the shape of pocket money, and the remainder was paid when the ships were paid off, after a service of four years. Now, it was impossible so to equalise the payments of their wages, that they could always make the charge correspond with the estimate. By the bill of the right hon. Baronet, the Member for Pembroke, it was enacted, that immediately the year was out, the credit for the votes expired at the Exchequer, and this might be at a time when large sums were required for wages. If, therefore, these additions were not paid from the surplus of other votes, they could not be provided for during the year. For several years there had been a most extraordinary equality between the amount of the estimates voted and the charges; but still occasionally circumstances would arise, over which the Admiralty had no control, to occasion these additional charges in the votes which must be provided for. The great advantage, as he understood it, of the balance sheet was, that no transfer of payments could be made without their coming before the House and the country.

Mr. *Warburton* wished to be informed

whether returns from the medical department of the navy, similar to those made with respect to the army, would be made?

Sir *T. Troubridge* said, that statistical accounts had been in the course of preparation for some time past in the medical department of the navy.. They were in a state of great forwardness, and he would take care that they should be brought forward as soon as possible.

Mr. *Hume* said, a great inconvenience often arose from the non-payment of seamen's wages until their wages had reached a large amount, and he begged to inquire whether any arrangement was likely to be made by which this evil would be remedied?

Sir *Charles Adam* answered, that a regulation, by which seamen received a monthly allowance, had been in existence ever since the time at which the right hon. Baronet, the Member for Pembroke, held the office of First Lord of the Admiralty; but it was a system which had been much complained of by the officers, as producing habits of intoxication. He was persuaded, however, that in its ultimate effects it would be found to be a proper and useful measure. With regard to any further allowance being paid — that was a subject which required mature deliberation, and it should receive his anxious attention.

Sir *George Clerk* wished to correct an error of the hon. and gallant Admiral, who had answered the question of the hon. Member for Kilkenny. The practice to which he alluded had existed for fifteen years.

Sir *C. Adam*: That was quite true, but the allowance had been increased since its first establishment.

Sir *G. Clerk* believed a seaman was entitled to two months' pay before he left the harbour, which, with bedding, clothes, &c., and (as the case might be) an allotment to his family, together with his 4*s.* a-month, would leave him without any claim for two years to come. The only doubt on the subject had been, whether, by allowing him thus to become a debtor to the public, they did not rather hold out to him a temptation to leave the service. He did not think it advisable for the Admiralty to call on the House to vote 2,359 men less than would be required to place the ships now employed on their full complements. He considered that course impolitic and inexpedient. If the Admiralty found it necessary to employ so large a number of ships, they ought to ask the House to vote a number of men sufficient to give each ship its proper crew, according to the present standard, without going so far as to complete them to the full war establishment. The House was also asked to vote a sum of only 880,000*l.* as wages, instead of 963,000*l.*, which would be required to pay the men, if the complements were filled up. He did not pretend to offer any opinion as to whether it was necessary to keep up the same number of vessels, but the Secretary for the Admiralty and the Secretary for Foreign Affairs had told the House that it was impossible to diminish it with safety. He thought, however, that it was most important to give each of those ships its full strength of men, in order that its commander might not have to fear defeat from an adversary with a more numerous crew, but be ready for any encounter at any time. He could not sit down without adverting to the difficulty which had been experienced of late years in manning the navy. During the last five or six years, ships had frequently found it next to impossible to procure an adequate number of men, and had been obliged in some instances, after a long detention in harbour, to quit the ports with a reduced crew. In the event of hostilities unexpectedly breaking out, it was evident that the most lamentable consequences might be apprehended from such a condition. He would strongly urge the Admiralty to allow those seamen to whom pensions for long service had been granted, to receive their pensions while serving on board her Majesty's ships, a privilege which was now denied to them. It was true, that in the year 1816, when those pensions were first granted, a regulation was made that no man should receive it while serving in the navy, but the Committee must bear in mind how totally different the state of our maritime affairs at that time was. There was then an immense number of unemployed seamen in the ports, and it appeared to the Admiralty of the day, seeing that they could only give employment to a limited number of those men, that it was better to prevent them from drawing both pay and pension at once, in order that the means of subsistence might thereby be found for as many as possible. But circumstances were now entirely changed; great difficulty was experienced in getting men when they were wanted, and the effect of the regulation was now, to deprive the country of many of its very best seamen, since it operated as a bar against their continuing in the service. It was perfectly clear, that when they received higher wages in merchant ships, and were besides allowed to draw their pensions, they could not be expected to re-enter the navy, where they would get lower wages and forfeit their pensions. He was, therefore, impressed with the conviction, that the rescinding of the regulation he had mentioned would be an excellent means of facilitating the manning of the ships. Looking to the present critical aspect of our foreign relations with various powers, and to the exertions which rival states were making to increase their navies, and place them on an efficient footing, the House must see that it was of the last consequence to give all classes of our ships full and effective complements, and to take measures for improving, if that were possible, the quality and character of the men. In former days it might have been expedient to send out ships with reduced crews, in order that the Admiralty might be enabled to employ a greater number of officers; but now, when foreign navies had greatly improved, it was too much to expect that undermanned British ships could compete with others of greatly superior crews. It was well known that almost every ship which had sailed for the Mediterranean lately, had gone out short of hands, and the sooner such a practice was put an end to, the better would it be for the country and the navy.

Captain *Pechell* thought it absolutely indispensable to restore to old and good seamen their pensions during their time of service, as the deprivation of them was now an absolute penalty against re-entering the navy. He thought there should be no such thing as a peace complement, and that no ship of war should leave a British port without having its crew complete to the full war establishment.

Mr. *F. H. Berkeley* said, that the manning of our ships was not so complete as that of other nations. If in the late conflict with the Chinese we had had to fight with Frenchmen or Americans, the consequence would have been disgrace to our flag. It was a vulgar notion that one Englishman could beat three Frenchmen; but though that had long been exploded, it seemed as if it were still entertained at the Admiralty. At present an English 36-gun ship had not more men than were able to contend with a French ship of 28 guns, if well manned and well armed, as the French ships always were.

Sir *H. Verney* protested against the practice which prevailed among naval officers of the present day, of instilling by complaints in that House, an idea into the minds of the men and officers under their command, that they were not equal to the services which they were called upon to perform. He did not believe that our ships were unable to perform the duties which they were required to execute, and he did not believe, although upon this point, as a non-professional man, he spoke with humility, that our ships were under-manned. In all our great naval victories, we had one-third or a quarter less men than the enemies with whom we were engaged.

Lord *Ingestrie* could not agree with the hon. Baronet who had just sat down, that naval officers in that House were not to express their sentiments on the state of the navy. He should like to know where they were to speak their sentiments, if not in that House. He quite agreed with the hon. and gallant Member for Brighton in what he had said as to the expediency of fully manning every ship. All that he (Lord Ingestrie) wanted was, that the navy should be in an efficient state, so as to maintain the honour of our flag. He did not think that British officers and men would under any circumstances incur disgrace, but at the same time he did think that our ships should be manned in that proper manner so as to be in a condition to engage with success whenever they were called on to do so. The condition of the mates and midshipmen in the navy was one which he considered imperatively called for amelioration. There were some midshipmen who were actually forty years of age, and one of them forty-four. Now, he thought that twenty-five was quite old enough for a man to be kicked about in the midshipman's berth without any rank or pay whatever. With regard to the mates, many of those gentlemen were put to do the duty of lieutenants, and were obliged to join the officers' mess, and thereby put to increased expenses, although they were not allowed pay. He was of opinion, however, that no further increase was required in the monthly pay of the men, and that it was quite sufficient. if indeed they had not too much already. He must again complain of the profligate manner in which the patronage of the navy had been exercised. There was a young gentleman of the name of Wood who had passed his examination for lieutenant with the greatest credit to himself, and who had obtained several more marks than another gentleman who bore the name of Elliot. The last named gentleman, however, was now a commander of the navy, while Mr. Wood had never received any promotion. He had referred the other evening to the removal of Sir J, Gordon from Chatham dockyard, and he must say, that the appointment of that officer, though he was low in the list, would have been much more palatable to the profession than that of Admiral Fleming to Greenwich. He thought that the removal of Sir J. Gordon was a very hard case. These circumstances justified him in saying, that the patronage of the Admiralty had been exercised in a profligate manner.

Sir *T. Troubridge* was very reluctant to take up the time of the House, but so much had been said on the subject of undermanning the navy, that, considering the station which he had the honour to hold, and his own connexion with the profession, he felt bound to trouble the House with a few words. He had never shrunk from expressing the opinion which he held of the absurdity of war complements in a time of peace. Such a course must be expensive, and was wholly unnecessary. He admitted that some time ago, in consequence of the alteration made in the complement of guns, it was found necessary to review the complement of men, and the alterations which were proposed had been carried into effect in the new ships, the Pique, the Inconstant, and other ships of that class, and also in some other ships, of a larger size. Now, it would be asked, under what arrangement those additions were made? They were made upon a calculation of the increased amount which became necessary to work the guns of the ship. A gun committee sat in 1828, and the Admiralty had had the opportunity of consulting the very best officers who were connected with the navy, and had particularly studied the subject of gunnery. It was only natural that every officer in command of a ship should wish to have fifty or sixty men more, to make a display with in any port to which he might be ordered. He defied, however, any officer, and indeeed every officer, in the House, to point out a single case in which our ships, manned as they were at present, had not done their duty. Had our sailors failed in the performance of their duty either on the coast of Africa or on the coast of China? Had they not shown the same skill and the same bravery, and had not their bravery and skill been accompanied by the same success as formerly? Would any man tell him of any disaster they had recently met with? If anything of the kind had happened, he thought that from the situation which he had the honour to fill, he must have heard of it, and yet he had heard of nothing of the sort. There were other charges made against the Admiralty, but they were irrelevant to the vote then before the House, and he would answer them when the items to which they referred came regularly in the progress of the estimates under the consideration of the Committee. He was quite aware of the advantage of taking a vote on this estimate to-night; and he was also equally aware of the impropriety of so humble an individual as himself making a long speech upon it. There were one or two points, however, that he must notice. He had no hesitation in declaring, that in our naval service there were some hard cases, so far as regarded the mates. That was a matter, however, which did not rest with the Admiralty. They could only promote one in three—they had promoted that number, and therefore upon that score no complaint could be made against the Admiralty. The noble Lord had stated that there were a number of hard cases arising from the long service of the mates. No doubt there were; but there were mates upon the list, who, though they had been fourteen and even seventeen years in the service, had not been anything like that time at sea. They had been on board steamboats, they had gone to Australia, they had been in India, and elsewhere, and all for their private emolument. They had not, therefore, the same claim upon the Admiralty as if they had been all the time at sea in the service of the country.

Lord *G. Lennox* suggested that it would be a good plan to have a supplementary estimate to the navy estimates, and to divide in future the expenses of the marines from those of the navy. The charge of

58,000*l.*, which was made for the marines was nothing less than a fraud on that branch of the service. There was a charge of 1,383*l.* for the pay of one lieutenant-general of marines. Now, that officer belonged to the navy, and never had been in the marines. There was also a charge of 1,037*l.* for a major-general of marines. That officer, too, had never served in the marines. There were other charges of a similar description. Now, the Committee ought to be able to ascertain exactly what the marines, really being marines, cost the country. We ought not, as his hon. and gallant Friend the Member for Sandwich had justly said, to be keeping unnecessarily a number of marines and idlers. He objected to having officers of the navy paid for being officers of marines, when, in point of fact, they were mere idlers. He found that the pensions granted to flag officers, captains, and marine officers, amounted to 4,350*l.* this year. Would any man who read the words of that estimate believe it possible that not a single marine officer had any share in those pensions? He admitted that two pensions of 150*l.* a-year had been given last year to two deserving officers in the navy. He was glad of it—he was far from objecting to it; but he should like to see some share in those pensions granted to the marines. He also saw in the estimates one item for eight retired colonels of marines. He wished to ask the Secretary of the Admiralty whether the vacancies occasioned by those eight retirements had been filled up? He believed that two of them were not to be filled up till the report of the Naval and Military Commission which had been so long expected, was made up.

Captain *A'Court* rose for the purpose of just saying a word or two on behalf of these unfortunate mates. He believed that if the Admiralty persisted in their present system, they would find it matter of difficulty to get young men to enter the service as mates. He wished that the Admiralty would promote 300 of them. It would not cost the nation more than 15,000*l.* a-year. He likewise declared it to be his opinion that no ship ought to leave this country without being fully manned to meet all emergencies.

Captain *Jones* concurred with the last speaker in the expediency of having all our ships fully manned. He was, nevertheless, of opinion, that what constituted the full manning of a ship was not a point for the decision of the House of Commons, but of the responsible officers of the Crown.

Captain *Boldero* expressed his anxiety that this and the next vote should pass through the Committee that evening. The Committee, however, ought not to grant any further votes until it had before it the report of the Naval and Military Commission. They had been told that not more than another sitting of that commission was wanted to complete its report. The Duke of Wellington, God be thanked for it, was now sufficiently recovered to attend to business, and he trusted that in the course of next week, he would be able to give up a day to the consideration and approval of that report. If any grants beyond those which he had mentioned were proposed before that report was received, he should meet them with every opposition in his power.

Mr. *Labouchere* said, that one of the propositions made by the hon. and gallant officer who had spoken last was reasonable enough. It was quite evident that no reasonable objection could be offered to the two next votes, but he could not agree to the hon. and gallant officer's second proposition, that we should take no more votes upon the navy estimates until the report of the Naval and Military Commission was received. He opined that the Committee would be perfectly competent to decide upon all the navy estimates, even before the report in question was submitted to the House.

Mr. *Herries* could not allow the present vote to pass through the Committee without taking notice of a subject closely connected with it. He alluded to the total want of all information respecting the interruption of our commercial intercourse with the Chinese at Canton. Six weeks ago her Majesty, in the most gracious speech which she then delivered from the throne, made this announcement to the two Houses of Parliament:—

> "Events have happened in China which have occasioned an interruption of the commercial intercourse of my subjects with that country. I have given, and shall continue to give, the most serious attention to a matter so deeply affecting the interests of my subjects, and the dignity of the Crown."

Since that speech had been delivered, it had become notorious to all the world that preparations had been made for the departure from England of a considerable armament, destined for the accomplishment of a natural object connected with this very untoward event. The merchants of England were knocking daily at the doors of the Treasury in hope of receiving satisfaction for property worth 2,400,000*l.*, which they had sacrificed at Canton in compliance with the demands of the British commissioner. They had received no encouraging answer to their application. The only answer which had been vouchsafed to them left their demands in abeyance. Now, the House of Commons remained up to this day totally uninformed on this most important topic, except so far as it had been informed by the statements in the newspapers. There was an impression abroad, that there had been very considerable mismanagement in the administration of our affairs in that part of the world. The impression was, that there had been vacillation in our policy from day to day, which was not only injurious to private individuals, but was also highly disgraceful to the country. He did not mean to say, that that impression was true; he was only saying, that it was nearly universal. This, however, was fact—not one single word had been said by any of her Majesty's Ministers in the House of Commons to satisfy the House of Commons, or to give it an insight into the grounds on which the House was called to vote for additional expenses on account of our expedition to China. Hon. Members had asked for information in almost every possible shape. The noble Secretary for Foreign Affairs had given promises on this subject to the country in the most affable and agreeable manner: but, unfortunately, nothing like performance had ever waited upon those promises. When some ten days ago he (Mr. Herries) asked the noble Lord whether he would be able to afford the House during the present week the information which it wanted, the noble Lord said, that he thought that the information would be forthcoming in the beginning of the present week, although he refused to bind himself, that it should be so forthcoming. They had now come to the last day in the Parliamentary week, and it was not forthcoming. The real question then was, had not the time arrived when it was incumbent upon Government to present that information to the House? He (Mr. Herries) was well aware, that in the good old times, if these papers had not been presented to the House after the call which had been made for them, there would have been a motion before now for an address to the Crown to compel their production. He hoped that there would be no occasion for a measure of that description at present, but that Government would at once place upon the Table all the information which the country was now hoping with so much anxiety to attain.

Viscount *Palmerston* said, that if the right hon. Gentleman who had just sat down had not himself been so long in office, all that he had said might appear natural enough to the Committee; but every Gentleman who knew, as well as the right hon. Member knew, the cares of office, must be aware, that when the question was to produce a mass of papers which were more or less voluminous, and when those papers had to be printed, it was almost impossible for any man to say, that he would bring down the report on those papers on such and such a day with as much certainty as if he was bringing on an ordinary motion in that House. He could assure the right hon. Gentleman that there had been no unnecessary delay or indisposition in the office over which he presided in preparing the papers which the right hon. Gentleman wished to see; on the contrary, they should be produced at the very earliest opportunity. With respect to the menaced address to the Crown for the production of those papers, he had only to say that the production of them was not an act of courtesy on his part; it was an act of obedience to the House of Commons which had called for them. He had entertained hopes that he should be able to present them in the beginning of the present week, but he had been disappointed. He believed, that they would be ready early in the next. Whatever impression might have gone forth as to the mode in which our affairs had been recently conducted, the noble Lord would see from these papers, that that had been no reason for the misapprehension to which he had alluded. Her Majesty's Government, instead of shrinking from full investigation, absolutely courted it; but the fact was, that their opponents could not produce the documents which were necessary to justify it.

Mr. *Herries* never recollected anything like the delay which had occurred in preparing documents in the present Session. He knew the attention and diligence of the gentlemen employed in the public offices; and, with that knowledge, he could not imagine any reason for the extraordinary delay which had occurred in the production of this information. He supposed that the papers containing it must be voluminous beyond all former precedent, and yet it was announced in her Majesty's speech that even at the time of its delivery, those papers were in preparation.

Vote agreed to.

Lord *Palmerston* replied, that he had received no official information on those subjects.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Monday, March 2, 1840.

MINUTES.] Petitions presented. By the Bishop of Exeter, from the Ilchester Board of Education, against any Church Discipline Bill.—By the Bishop of London, the Duke of Richmond, the Marquess of Bute, and the Earl of Zetland, from a great number of places, against the Intrusion of Ministers into Parishes without the consent of the Parishioners.—By the Earl of Rossie, from Perth, Dundee, and many other places, for the Total and Immediate Repeal of the Corn-laws.

CHURCH DISCIPLINE.] The Bishop of *Exeter* had several petitions to present to their Lordships, on a subject which had excited much painful interest—he alluded to the subject of Church discipline. It was his misfortune to be opposed on that subject to the opinions of those whose judgment he revered, and whose characters he respected and esteemed; but, in presenting those petitions, he was authorised to state, that communications had taken place between the bishops, and he was rejoiced to say that, without a sacrifice of principle being made by any one, they were able to agree together, and to produce and promote, both before their Lordships and the other House of Parliament, such a measure as would, it was hoped, be satisfactory to the Church at large, and to their Lordships. It was not his intention to go into particulars, but he might be allowed to say, that already, steps had been taken to effect their common object, which he trusted would be attended with success. The right rev. Prelate then presented petitions from the clergy of the deanery of Chester, of Barnstaple, of Penrith, and several other places, praying that in any measure which might be introduced for the improvement of Church discipline, care should be taken to preserve the ancient jurisdiction of the bishops in their respective diocese.

The Bishop of *London* confirmed the statement of the right rev. Prelate, that a measure was in progress for the improvement of Church discipline. The only difficulty in the case had reference to certain legal points, on which the advice and assistance of the legal authorities in the House would be required.

CHURCH OF SCOTLAND — INTRUSION.] The Duke of *Richmond* presented petitions against the intrusion of ministers on non-consenting parishes, from Inverness, and various other places in Scotland. The noble Duke said, he wished to ask the noble Viscount whether there was any probability of any measure being speedily laid before Parliament, to reconcile the parties who were at variance on this question? He believed that it was almost impossible to describe the feelings of excitement which now prevailed on this subject. All parties were agreed that some enactment was necessary, in order to settle the matter in dispute, and he hoped that, before long, Government would propose such a measure. The feelings of society in general were excited to such an extent on this question, that, if allowed to go on much further, it would be beyond the noble Viscount's power, and, he feared, beyond the power of Parliament to deal with the evil. He wished a measure to be introduced that would satisfy the moderate men of all parties; but, if that were not quickly done, the noble Viscount might find it next to impossible to satisfy any party.

Viscount *Melbourne* was not ready to state that Government would be able speedily to introduce a measure on this subject, although they were as anxious to do so as the noble Duke. Looking to the interest and importance of the question in dispute, the noble Duke must see, that such a measure ought not to be introduced, without due and mature consideration.

The Earl of *Haddington* said, that he entirely concurred in opinion with the noble Duke, that nothing could be more desirable than the introduction of some measure which would, if possible, allay the present unhappy state of excitement which prevailed in Scotland. With respect to the cause which had given birth to that state of excitement, he conceived that rather an incorrect view was entertained by many persons. In his opinion, that agitation arose from the conduct of the commissioners of the General Assembly, in suspending from the performance of all their duties, and taking from them the power of performing those duties, the whole of the clergy, who had determined to obey the law of the land, as recognised by their Lordships. It did not originate in the interference of the courts; and they ought to extend protection to those who were willing to pay obedience to the law of the land. He knew that a very strong feeling prevailed on this subject, and something ought to be done, to put a period to such an unhappy state of things.

The Earl of *Minto* thought it was advisable not to go into the merits of the question until some measure connected with it came regularly before their Lordships.

The Earl of *Galloway* said, he was sure his noble Friend did not wish to enter into the merits of the question. He believed that what his noble Friend said, and all the anxiety which he had manifested, arose from the great tardiness which Government had manifested in doing their duty.

Lord *Kinnaird* said, that in his opinion, Ministers were quite right in not acting precipitately on such a question.

The Earl of *Aberdeen* did not agree with his noble Friend (the Earl of Haddington) as to the cause in which the agitation, now prevalent in Scotland, originated.

Petitions laid on the table.

TRADE WITH SICILY.] Lord *Lyndhurst* rose to present to their Lordships a petition respecting the commercial arrangements of this country with Sicily, which petition more particularly referred to the sulphur trade carried on with that country. It was signed by several merchants of the city of London; and from communications which he had received, he had reason to expect a similar petition from certain merchants of Liverpool and of Glasgow; but from some unforeseen circumstances those petitions had not been received. The subject of this trade was one of very considerable importance, not only to the merchants who were immediately engaged in that branch of commerce, but to the manufacturing interests of this country. The noble Viscount opposite had observed, two or three nights ago, that he had reason to suppose that many statements would be made during the present Session of Parliament, with respect to the state of the commerce of this country. Whether that arose from a consciousness on the part of the noble Viscount, that the commercial concerns of this country had not been sufficiently protected, he should not at present inquire; but he begged leave to say, with reference to these petitioners, that they had prepared their petition with no political or party views, but solely with the desire of obtaining compensation and redress for the losses and injuries they had sustained in consequence of transactions stated in the petition. Their Lordships were, no doubt, aware that, owing to modern discoveries in chemistry, the article of sulphur had become of very great importance in many of our principal manufactures. In the course of the eleven years which preceded the year 1837, the importation of the article had increased elevenfold. In 1826 we imported about 4,000 tons of sulphur, and by the year 1837, the importation had gradually increased to the enormous amount of 44,000 tons. From that statement their Lordships would be aware of the great and increasing importance of the trade in this article. Their Lordships might, perhaps, also be aware that the whole, or nearly the whole of the amount imported, was brought from the island of Sicily. It was found in other places; but it was produced in such large quantities in Sicily, and was so easily obtained there, that almost the whole of our supply was furnished by that country. In 1816 a commercial treaty was concluded between this country and Sicily, by the terms of which it was provided, that ample protection should be afforded to British subjects and British property; that British subjects should be allowed, without let or hindrance, to dispose of their property at their own freewill; that they should be treated, in all respects, as subjects of the most favoured nation, and that no duty, tax, or impost should be levied on their property, beyond those that were there levied from subjects of the most favoured nation. Such were the stipulations of that well-known treaty, on the faith of which, and from the reliance placed in it, the merchants of this country had embarked property to a very large amount, in carrying on the sulphur trade of Sicily. They had taken leases of the mines of that island; they had established machinery at a great expense, for the purpose of increasing the supply; they had, in fact, created the trade in a great measure, and up to the year 1838, it was carried on most advantageously for the parties immediately concerned in it, and most advantageously, also, for the commercial interests of England. All went on well to the month of July in 1838, and then, for the first time, it was publicly announced by the Sicilian Government, that it had granted a monopoly of this important article to the French; not indeed to the French Government, nor generally to the French nation, but to a number of French adventurers. By the conditions on which the monopoly had been granted to those individuals—the mines not being the property of the Sicilian Government, but of private persons—the stipulations of the treaty to which he had referred, had been broken. By one of the clauses of the contract entered into with the monopolists, it was provided, that no greater quantity of sulphur than a certain amount specified, should be produced or exported from Sicily by the British or any other people. The object of this was quite obvious. How those persons had obtained such influence with the Neapolitan Government as to induce it to enter into stipulations of a kind so disadvantageous to our interests—and, he would take leave to add, on a just consideration of the case, so disadvantageous to the interests of the Neapolitans themselves—was more than he could tell; but they knew enough of the way in which transactions of this kind took place to be able to form some conjecture, and perhaps an accurate conjecture. But the advantage of the arrangement to which he had alluded, was manifest, for at that time they had imported into France an immense amount of sulphur, which they were selling at a loss, and in consequence of the limitation of the quantity exported, the rise of the price was so enormous as to convert the loss into a great gain, and that at the expense of British interests. This prohibition, however, was a direct infraction of one of the stipulations of the treaty he had mentioned, because, under that, every British subject was to be allowed to dispose of his property without let or hindrance. Here, then, was a prohibition directly in the teeth of that stipulation. It was pretended that the regulation was passed for the general benefit of the trade; but that assertion could not be supported, for this reason, that those persons who were monopolists, were not bound by the limitation, having the power of exporting any quantity they thought proper, provided only, that one-third of the profit from the part exceeding the stipulated amount, should be paid to the Sicilian Government. They had, therefore, the power of pouring into the market any amount they chose, and regulating the price as they wished; the interests of their competitors, and among others, the subjects of this country, being completely sacrificed. This was not the only respect in which the grant of the monopoly was a direct infringement of the treaty. It was provided by the contract that no person should sell in the island any sulphur except to one of the contractors. There was an alternative indeed—that British subjects and others, might, if they thought proper, instead of selling to the contractors at the price limited by the contract, export for their own benefit and at their own instance, but if they did so, they must pay a duty amounting nearly to the first cost of the article, and twice as high as that at which the monopolists had a right to export the article themselves. Here then was an infringement of that article of the treaty with this country, which expressly provided that British subjects should pay no duties or imposts on their property, other than those which were paid by the subjects of the most favoured nation. These were direct infractions of the treaty; but the petitioners complained also, that in consequence of the conduct of the Neapolitan Government, they had sustained very grievous losses. In the course of trade, contracts were entered into for the supply of sulphur at a future period. The establishment of the monopoly was announced by public proclamation on the 1st of July, to come into operation on the 1st of August, leaving only the interval of one month. The consequence was, an immediate increase of the price of the article. All those British merchants, therefore, who had entered into contracts to furnish sulphur at a certain price, found, that it had risen to such an extent, that to complete them, would be to involve themselves in inevitable ruin. The consequence was, that twenty-four British ships which had arrived for the purpose of loading with sulphur for this country, were obliged to return without their cargoes. The sulphur trade, which was of so much importance, both to Sicily and the interests of this country, had been entirely stopped. It was true that British subjects were still allowed to hold their property in Sicily; the mines were still worked, though he believed, at a loss; but the trade was substantially at an end. The price of sulphur in the English market was now double what it was at the end of 1837, and the manufacturers of this country were reduced to all sorts of expedients, while endeavouring to provide a cheaper substitute, in order to avoid paying the present exorbitant price of the imported article. Their Lordships would naturally suppose that the proceedings of the Neapolitan Government had raised a great outcry among the British residents in Sicily, and the Sicilians themselves, for the effect of them had been to throw an immense number of native labourers out of employment. He was told, that the feeling of indignation excited at the time, was so strong, that if a British ship of war had appeared off the coast, an end would at once have been put to the monopoly. But that was not the course which the British Ministers had thought it right to pursue. They had resorted to negotiation; and had sent out, he believed, a Mr. M'Gregor to carry out the negotiations. These had now been carried on for a period of eighteen months, and had produced no practical result. The monopoly still subsisted; the losses of British subjects still continued; the trade was stopped; and nothing effectual had been done to remove those evils. He had been informed that some treaty on the subject had been actually signed at the close of last year. Why that treaty had not been ratified, he had no means of ascertaining; but he was happy to see a noble Friend of his in his place, who was, he believed, during those negotiations, himself resident at Naples, who was then a member of her Majesty's Government, and who would, no doubt, be able to give a satisfactory explanation on the subject. The object of the petitioners was to call the attention of her Majesty's Government and their Lordships to this important subject. They felt that they had a right to protection; that they had a right to call on her Majesty's Government to see that justice was done to them, and to insist that compensation should be obtained for the losses they had hitherto suffered, and redress for the future. It was with that view they requested him to present this petition, and he begged to move that it be read by the clerk at the table.

Viscount *Melbourne* said, he agreed in all that the noble and learned Lord had said, as to the importance of the subject of this petition. The noble and learned Lord had stated the whole of the circumstances that had taken place, the noble Lord had referred to the amount of British capital embarked in the trade, the obligations of the treaty by which the Government of the two Sicilies was bound to this country, and the transaction by which it had been violated, with a few inaccuracies in the latter part of his remarks, but otherwise with perfect correctness, with perfect justice, and without the least misstatement or exaggeration. The noble and learned Lord had observed, that he (Viscount Melbourne) on a former occasion, said he anticipated that there would be many discussions in that House on commercial affairs in the course of the present session, and seemed to suppose that it arose from some consciousness of his that those interests had not been sufficiently attended to. The fact was, that that opinion arose, not from any shadowy apprehension of that nature, but from the motions that had been already brought forward, the notices which had been placed on the books, and the discussions which had already occurred in both Houses of Parliament. These were the grounds he went on, and not any shadowy or spectral feeling of the kind insinuated by the noble and learned Lord. The noble and learned Lord had adverted to the establishment of the sulphur monopoly, the nature of which had been so accurately explained, that it was unnecessary for him (Viscount Melbourne) to enter into the subject again, and had hinted that we might form a good idea of the sort of influence by which that privilege had been obtained from the court of Naples. That monopoly had been granted in favour of certain inhabitants of France, but he believed, that by whatever influence it had been obtained, it was not by the influence of the present ruler of France, or the Government which now reigned over that country. In the next place, the noble and learned Lord had stated—and that was also the view which her Majesty's Government had always taken of this matter—that the monopoly was not now a subject of negotiation; that it was in itself a direct infraction of the treaty of 1816, and a complete violation of the two articles referred to by the noble and learned Lord. It was, therefore, not a matter about which we had now to treat or negociate, but a matter as to which we had a right to call on the Government of the two Sicilies for the fulfilment of the obligations into which it had entered, and by which it was bound. When the change was first known to be in agitation, it was strongly remonstrated against by the British Minister at Naples; when it was carried into effect it was remonstrated against; and at length, in August last, a verbal promise was given that the monopoly would be abolished. An engagement was made to that effect, and as that had not yet been complied with, it was unquestionably left to the Government of England to demand the fulfilment of the treaty, to do that which the noble and learned Lord very properly said they were bound to do, and to afford to its subjects and merchants who had embarked in this branch of commerce on the faith of the treaty that protection to which they had a right. The noble and learned Lord said they had resorted to negotiation, and that they had sent out Mr. M'Gregor to negociate with the Government of the two Sicilies. In the summer of last year it was understood that the Government of Naples was favourable to a new arrangement for carrying on the commercial intercourse between the two countries; that it was willing to renew the treaty of 1816, and enter into fresh stipulations, one basis of which, among others, was to be an entirely new arrangement of their tariff, of their import and export duties, and of the duties levied on the products of this country. Mr. M'Gregor was sent out merely for the purpose of ascertaining on the spot what was to be the reduction in the tariff, and of settling with the Neapolitan Government the changes to be made in the various duties. That was the sole object of Mr. M'Gregor's mission. Unquestionably that gentleman had, with the very best intentions, gone further, and had entered into the matters to which the noble and learned Lord had alluded; but from not having been instructed on that subject, from not having been authorised, he concluded a treaty which, in the first place, was unsatisfactory, as making that a matter of treaty which Government contended ought not to be a matter of treaty, and also contained other provisions to which Government, on the best consideration, did not think it prudent to assent. That was the state of the case. Mr. M'Gregor was a man of great talent, of great abilities, of great experience, and had unquestionably acted with the best intentions; but he had undoubtedly done that which he was not authorised to do on the occasion, and which, because he was not fully in possession of the feelings of his own government, he did imperfectly. That was the state of affairs with reference to the negotiations; but unquestionably, it was now necessary to take decided measures on this subject. The strongest representations had been sent out, and the British Minister had been directed to state to the Government of Naples that we must insist on the fulfilment of the conditions of that treaty on which the petition and the observations just made by the noble and learned Lord were founded.

Lord *Lyndhurst* wished to recall to the recollection of the noble Viscount that eighteen months had now elapsed since this infraction of the treaty, which was said to be the subject of negotiation, had been proclaimed. He should like to know what had been done during that period to put an end to the general losses sustained by the British merchants. He was told that it amounted to 1,000*l.* per day at the lowest estimate.

Viscount *Melbourne:* We have had a promise from the Neapolitan Government, and unquestionably it now rests with Government to insist on the fulfilment of that promise.

Lord *Lyndhurst* wished to ask the noble Viscount whether he did not know that the Neapolitan Government insisted on the continuance of the monopoly for six months further, dating from the 1st of January last.

Viscount *Melbourne:* No, I have never heard of such a condition.

Lord *Lyndhurst:* Six line-of-battle ships sent to Naples would settle the matter in a fortnight.

Adjourned.

HOUSE OF COMMONS,

Monday, March 2, 1840.

Minutes.] Bills. Read a first time:—Sale of Beer; Sewers; Settled Estates Drainage.

Petitions presented. By Mr. Alston, from Rayston, for the Release of John Thorogood, and the Abolition of Church Rates.—By Mr. Buck, from one place, against the Irish Corporation Bill.—By Mr. A. Holmes, and Mr. Plumptre, from Cowes, and Mr. Jones, from one place, against any further Grant to Maynooth College.—By Messrs. Halford, Hurt, Pringle, Barneby, Grey, Plumptre, Sir Robert Peel, Lord Stanley, Sir Thomas Freemantle, and Captain Alsager, from a number of places, for Church Extension.—By Mr. Hurt, from Belper, in favour of, and by Mr. Greg, from another place, against the Corn-laws.—By Mr. W. Patten, from Runcorn, in favour of Inland Warehousing.—By Mr. Langdale, from Catholics in Newtown Stewart, against their Children being compelled to learn the Protestant Catechism, or being expelled from the School.—By Colonel Verner, from one place, in favour of, and by Mr. O'Connell, from another, against the Sale of Spirits Bill.—By Mr. Plumptre, from various places, for the Repeal of the Catholic Emancipation Act; and against the Municipal Bill.

Controverted Elections.] On the motion of Mr. Ord, the Order of the Day was read for the adjourned debate respecting the Ludlow election petition.

On the question being put "That the order for the attendance of panels Nos. 1 and 2 on the 12th and 16th of March be discharged,"

The *Solicitor General* observed, that he had looked into the Act of Parliament since the House last met, and it appeared to him that the proper course to pursue would be to negative the motion of the hon. Member for Newcastle, and to let the panels attend on the day named, when the general committee might pass by the Ludlow petition, and without nominating any committee for trying that petition, proceed to the nomination of the committees for the trial of the cases lower down in the list. The section of the Act to which he thought that it would be proper to refer, to justify this view of the case was the 30th section, by which it was enacted,

> "That in case a Member declined to defend his seat, that thirty days' notice thereof should be given in the *London Gazette*, and in the meantime that the proceedings should be suspended."

It then declared,

> "That in every case in which the proceedings in any petition, inserted in such list, shall be afterwards suspended, the petition shall be struck out of the list, and shall be again inserted at the bottom of the list at the end of such suspension of proceedings."

In the 52d section, which regulated the proceedings of the general committee in the nomination of the special committee to be appointed to try any election petition it was enacted,

> "That the general committee shall not in any case proceed to choose a committee to try any election petition, until they have chosen a committee to try every other election petition standing higher in the list aforesaid, the order for referring which shall not be then discharged, or in which the proceedings shall not be then suspended."

In the present instance they had four election petitions to take into consideration on the 12th and 16th of March. The first was that of Ludlow; the question then arose whether the proceedings were not suspended in this case under the provisions of the Act, and whether it would not be the proper course to pass that by, and to proceed to nominate the committees in the other cases. By the 47th section, it was enacted, that the general committee should give their notice in writing to all the parties petitioning, as well as to the sitting Member, before it proceeded in any case to appoint a special committee to try an election petition. When, however, the proceedings were suspended, the committee was not in a situation to proceed, under the Act, with the Ludlow election case, as the notices required by the Act had not been given. From this, it must be obvious, that the general committee was not in a situation to nominate the special committee in the Ludlow case. They were not in a situation to proceed with the Ludlow case, in consequence of the notices not having been given, and as the time had expired, so as not now to allow the notices to be served before the day appointed for the nomination of the select committee. The section of the Act which he had just referred to made provision for a case of this kind. He conceived, then, if this view of the case was taken, that there could be no doubt that the proceedings of the Ludlow election petition had been suspended, and, for the reason given, the petitioners were not in a state to proceed. The question, then, was, whether it was necessary to suspend the nomination of all the four petitions, because the first committee was not in a situation to proceed? He had come to the conclusion that such a step was not necessary, but that the Ludlow case, coming within the exception of the 52d section, the proceedings upon it must be suspended till the proper notices had been given. He did not believe the House was in a situation to interfere in this case, but that the general committee must, on the day appointed, pass by the nomination of the committee in the Ludlow case, and that the panels must attend in order to appoint the other committees. He saw no reason why the Order of the Day for attendance of the panels should be discharged. Therefore, if the hon. Gentleman's motion was discharged, they could, on the 12th, pass by the nomination of the Ludlow committee, and proceed with the others.

Sir *William Rae* said, that it appeared to him, that as the Ludlow petition was presented to the House last Session, it came under the operation of the 93rd clause, which enacted,

> "That if at the close of the present Session of Parliament there shall be any election petition or petitions before the House, the order for taking which into consideration shall not have been discharged, and for trying which no committee shall have been appointed, such election petition or petitions shall be tried by a committee, to be chosen under the provisions of this Act, and such petitions shall be referred to the general committee of elections before any petition presented in the next Session, and in the order in which they were presented to the House, and shall be treated as petitions on which the examiner of recognizances has reported, &c."

Under the last section the petition cannot be proceeded with, as the petition is suspended, and, at the same time, the recognizances must be considered as completed. The section, however, distinctly stated, that every petition of last Session must be taken before any petition of this Session. In the Ludlow case there were two petitions, the one against the return, and the other from certain electors, praying to defend the seat of the sitting Member, but this latter petition was not sent to the general committee, therefore the parties did not get the notices required by the Act. The section of the Act which referred to voters admitted to become a party to the defence of the seat of the sitting Member, declares,

> "That any person or persons claiming to have had a right to vote at the election to which the petition shall relate, to petition the House of Commons, praying to be admitted as a party or parties to defend such return, or to oppose the prayer of such election petition, and such person or persons shall thereupon be admitted as a party or parties, together with the sitting Member, if he be then a party against such petition, or in the room of such Member, if he be not then a party against the petition, and shall be considered as such to all intents and purposes whatever, and any such petition shall be treated as an election petition."

It was very plain from this, that the petition must be treated as an election petition. If it was so, it was clear that it must be referred to the general committee before any petition of the present Session could be taken into consideration. They must, therefore, take this petition into consideration before they proceeded to the consideration of the Cambridge petition, which had been presented during the present Session. The terms of the Act had not been complied with, and in that part where it was obviously intended to tie up the hands of the House of Commons, and to make them adhere to the strictest rules. The only way in which they could proceed with safety, was to discharge the rules for taking into consideration the four petitions from Totness, Cambridge, Ipswich, and Ludlow, as well as the appointment of the committee and the other proceedings said to be irregular, but he thought that the other course, suggested both by the learned Solicitor-general and the hon. Member for Newcastle were open to objection.

Sir *William Follett* regarded this question as one of considerable importance. He regretted that he could not take the same view of the subject as his hon. and learned Friend, the Solicitor-general, to whose opinion he attached great weight. He agreed with his right hon. Friend who spoke last, in thinking that it was a matter of some doubt as to whether the whole of these proceedings under the Act would not be irregular; at the same time he apprehended that the motion of the chairman of the general committee of electors was right, and that it should be adopted. He would shortly state his views as to the construction of this Act. Election petitions had been presented from Ludlow and Totness during the course of last Session, and from Cambridge and Ipswich, during the course of the present one. Last Session the sitting Member for Ludlow had intimated to the Speaker that it was not his intention to defend his seat, upon which certain of the electors had petitioned to be allowed to defend it. The petition then before the House was presented last Session, and, therefore, came within the operation of the 93rd section of the Act, which made provision for the election petitions remaining at the close of the last Session. The House this Session had referred the petition against the return for Ludlow to the general committee, but had neglected to refer, in the first instance, the petition of the electors to defend the return. When the petitions had been referred to the general committee, they had made out their list in the following order:—Ludlow, Ipswich, Totness, Cambridge; but, in consequence of the petition of the electors not having been referred to the committee, they had given no notice to the petitioners, consequently the provisions of the 47th section had not been complied with, and the proceedings could not regularly go on until such notice had been given. The 47th clause enacted;—

> "That the general committee of elections shall, from time to time, determine how many committees shall be chosen in each week for trying the election petitions which then stand referred to them in which the sureties shall have been reported unobjectionable, and the day or days on which they will meet for choosing such committees, which they shall choose in the same order in which the petitions stand in the list aforesaid, having regard to the number of select committees which may then be sitting for trial of election petitions, and to the whole number of such committees then to be appointed; and notice in writing, of the day on which the committee will be chosen to try any election petition shall be given in writing by the general committee to all the parties herein-after mentioned, such time not being sooner than three weeks after the day on which such notice shall be given."

Now, in this case, the petition of the defenders of the seat, which another clause stated was to be regarded to all intents as an election petition, had not been referred to the general committee, and consequently, the notices had not been given, and he apprehended they could not go on with the trial of this case, as the parties had not had the due notices, and could not be before the committee. Then the question arose as to the course which they should take, and whether they would proceed with the Ipswich, Totness, and Cambridge petitions, before they appointed the committee on the Ludlow election petition. On this point they must refer to the 52nd clause of the Act. The list of petitions had been made out by the general committee, and Ludlow was at the top of the list. The 52nd section of the Act provides—

> "That the general committee shall not in any case proceed to choose a committee to try any election petition until they shall have chosen a committee to try every other election petition standing higher in the list aforesaid, the order for referring which shall not be then discharged, or in which the proceedings shall not be then suspended under the provisions hereinbefore contained, except in the case of choosing a committee to supply the place of a discharged committee, as hereinafter provided, which substituted committee shall be first chosen on the day on which the general committee shall meet for that purpose."

Under the provision of this clause, then, they could not proceed with the Ipswich, Totness, or Cambridge petitions, before they had appointed the committee in the Ludlow petition. No order for the discharge of this petition had been made. The question, arose, then, whether it might not be considered as suspended. The 30th clause would be found to be the only one that referred to election petitions that were discharged or suspended. In that clause, it was enacted that—

> "The general committee of elections shall suspend their proceedings in the matter of any petition referred to by any notice inserted in the Gazette as aforesaid, and shall not do anything therein until thirty days after the day on which such notice shall have been inserted in the Gazette, unless the petition of some person or persons claiming to be admitted as a party or parties in the room of such Member shall be sooner referred to them; and the general committee shall make out a list of all election petitions in which the examiner of recognizances shall have reported to the Speaker that the sureties are unobjectionable, and in which the proceedings are not suspended, in which list the petitions shall be arranged in the order in which they shall have been so reported upon; and in every case in which the proceedings in any petition inserted in such list, shall be afterwards suspended, the petition shall be struck out of the list, and shall be again inserted at the bottom of the list, at the end of such suspension of proceedings."

Suppose a petition referred to the general committee against the sitting Member, and he gave notice that he did not mean to defend his seat, and notice is inserted in the *Gazette*, and then the general committee suspend it. He thought they would find no other clause in the act empowering them to do so but the 32nd clause, and that they had no power to take one case before another, except it had been particularly provided for. If it occurred that a petition had been presented this Session, and referred to the general committee, and the sitting Member had said he did not mean to defend his seat, and notice had been given, then the power of suspending it would have applied, but it would apply only to a case of that sort. The general committee had made out the list, and in the cases of the major part of the petitions there was clearly nothing to lead to either the suspension or the discharge of the proceedings. He entirely concurred with his learned Friend, the Solicitor-general, that they could not proceed with the Ludlow petition, because they had not given a notice of thirty days, and it was therefore virtually suspended; but he apprehended the clause applied only to the "cases hereinbefore provided for;" and that, inasmuch as they had not given the right notice to the party in the Ludlow election, it was necessary such person should have such notice before they proceeded; and as the General Committee had appointed days on which they could not proceed to the trial of the petition, and they had the power of appointing other days, they should do so, and take care that they did not take one petition before they had disposed of the other. He certainly thought, that the General Committee had full power to appoint other days for the trial of the Ludlow petition, as well as the Ipswich, Totness, and Cambridge petitions, provided the list of rotation was adhered to. He apprehended, that they could not say, that the parties were not entitled to full notice as described in the act; therefore, as far as his judgment went, they should so far alter the list, by putting down the whole of the cases in their respective order.

The *Attorney-General* was unfortunately not in his place when the former discussion took place, and he had not had an opportunity of looking into the matter at present. He was sorry that he was unable to recommend any course to the House, because they had got into a dead lock. The House had now parted with the authority which had been given to it on this subject by the law. When the bill of the right hon. Member for Tamworth was brought before the House, he had ventured respectfully to state that he thought it would be better to repeal the 9th George 4th entirely, and pass an act by which Parliamentary costs might be enforced, and at the same time the House should have come to certain resolutions as to their proceedings in these matters. Unfortunately, it seemed to him, the House had taken a different course, and erected a statutable tribunal, which must proceed in the course the Act of Parliament had prescribed. This was just as much a statutory tribunal as any court of conscience or borough court, and they must adhere to the rules and regulations laid down for their guidance. It seemed to him that by the 93rd section, they were restricted as to the course they should pursue. The 93rd section directly enacts,—

> "That all petitions of last Session shall be referred to the general committee of elections before any petition presented in the next Session, and in the order in which they were presented to the House."

The 20th section admitted voters to defend the seat of the sitting Member, and provided that their petition, praying to be so admitted, should be treated as an election petition. He was afraid, that under these sections at present no legal committee could be constituted for the trial of the Ludlow election. The petition against the seat and for the defence of the seat should both have been referred to the general committee; and as the latter had not been done, he feared that all the proceedings would be regarded as *coram non.* He regretted exceedingly, that the House had got into a position of such difficulty, nor could he see his way out of it except by fresh legislation. He entertained the greatest respect for the opinions of his learned Friend, the Solicitor-general, as well as for those of his hon. and learned Friend, the Member for Exeter, but he differed from both of them on this subject. The Act of Parliament only gave them the power to refer the petitions to the general committee. They had referred four petitions to that body, and he did not see what power they had to alter the arrangement of them. The House was now exercising a power which was restricted and defined by law; and he did not see how it could suspend its proceedings in this matter. If there was an indictment for perjury of any person who had given evidence before these committees, and the Court of Queen's Bench was called upon to determine whether the Committee was duly constituted or not, the court, by the power confided to it by the law, must proceed to determine in the matter; and could that tribunal say, that the House had exercised its jurisdiction as was directed under the 93rd section of the act? They had made one reference to the general committee, and he doubted whether they could make another. He regretted the difficulty they were in, and he only felt the more strongly what he had stated on a former occasion, that that House could never satisfactorily and beneficially exercise its right to determine election petitions, until all the acts on the subject were repealed. All they wanted was the power to award costs, and then their proceedings would be rendered independent of the courts of law.

Sir *T. Fremantle* regretted that the hon. and learned Gentleman did not approve of the suggestion of his right hon. Friend (Sir Wm. Rae), which was to consider all the previous proceedings as irregular, to discharge the order, and then to come regularly before the House again. The hon. and learned Gentleman contended that the House had not done what was required by the act of Parliament, and that this could not be undone unless by legislative enactment. He did not agree in this, although he admitted, that the House had done things in connection with these petitions in such an irregular and informal manner, that they had not complied with the provisions of the act of Parliament. It appeared to him, under all the circumstances, that the best thing they could do would be to commence *de novo.* On the whole, it appeared to him, considering all the difficulties of the case, that the safest course which they could pursue, was that recommended by the right hon. and learned Member for Bute, and he believed that it differed but very little from that which the chairman of the general committee proposed. He should therefore support, in the first place, the motion for the discharge of the order for the panels; and then, that all proceedings under the petition should be declared to be irregular.

Sir *George Grey* stated, that if all the proceedings in this case were held to be irregular, some inconvenience might result, but he thought that under all the circumstances of the case, it would be sufficient if they adopted the suggestion of the chairman of the general committee. With regard to the assertions of the hon. and learned Member for Exeter, relative to the 52nd clause of the act, he did not think that that clause rendered it necessary for them to adopt that course of proceeding, as the hon. and learned Member seemed to think. That clause merely prescribed that the committees should be taken as they stood on the list. But the question was, what was the order in which they then stood, and he believed, that the committees might now be considered to have changed their places. He should have thought that the notice in the *Gazette* was a sufficient intimation to the general committee, that the sitting Member did not intend to defend his seat, but that this would be done for him by certain electors of Ludlow. The petition had been presented to the House; and the House, in violation of the direction of the act, had neglected to refer the petition of the defenders of the seat to the general committee. If the notices could have been served in time, it would not have been necessary to have any delay, and it would be impossible to allow the parties to suffer from the negligence of the House. He should be sorry to come to the conclusion of his learned Friend the Attorney-general, and he thought that the irregularity might be got over by adopting the course proposed by the hon. chairman of the general committee.

Mr. *Kelly* said, that whatever difference of opinion might exist as to the questions raised on the occasion, they would all admit, that it was of the last importance that a correct decision should be arrived at on the case then before the House. If there should be any deviation from the statute, all the proceedings of the committee would be void, and the most injurious and inconvenient consequences would follow. He differed in one point from his hon. and learned Friend the Attorney-general, and that he did not think that the least difficulty could be created by the operation of the 93d section of the act, which referred to the election petitions remaining over from last Session. He thought that the provisions of that section had been strictly as well as substantially complied with, and that therefore the proceedings were not, in any degree, irregular in that regard. That section merely required that petitions pending in the then Session of Parliament should be referred to the House in the order that had been pointed out—that is, before any petitions presented in the present Session. That he believed had been done in the case then under their consideration. He contended that the 93d section had been complied with, because the Ludlow election petition was referred to the committee before the Cambridge; and the section which required the petition of the electors to be referred to the committee, had also been complied with. No difficulty, therefore, arose from the 92d section, as to the legality of the proceedings of the committee. To proceed to appoint the different select committees in the order in which they appeared on the list, would be nugatory and erroneous. The question, therefore was, what could now be done, consistently with the provisions of this statute; and he thought the House must consider, not what it might have been expedient to do at the time the act passed, but what had been prescribed by the terms and provisions of the act; and he held it was clear that the jurisdiction which formerly existed in that House to rescind and alter orders made from time to time, was now, by the operation of the act, transferred exclusively to the general committee appointed under the act. It was not competent for that House to rescind any order which it had made for referring this matter to the general committee. He thought it would be the best course to propose some amendment, under which the House should, in reality, take no course whatever, but leave it to the general committee to adopt that course which they might think fit, and that course, he apprehended, would be to rescind the present order.

Lord *John Russell* did not conceive, that under the act, the order of the petitions could be altered; but he was disposed to agree with the hon. and learned Gentleman who had just sat down, that, under the 47th section of the act, the general committee had power, from time to time, to appoint the weeks, and determine how many committees should sit, and the days on which they should sit, and he imagined that it was within their power to make an alteration as to time. That being the case, the learned Gentleman who had last spoken asked, was it necessary the House should interfere? He did not think it was. But as he viewed the motion of the hon. chairman of the committee, it was not proposed that the House should in any way interfere or direct anything to be done by the general committee, but only to interfere in regard to an order made by themselves. The chairman of the committee having stated in the House that if there were no notice given other than the twenty-four or forty-eight hours directed by the act, the first and second panels might not be in attendance when the committees were chosen. It was therefore desirable that the House should so far interfere as to direct the attendance of the first and second panels on particular days. He thought the House had the most perfect right to make such an order, and it therefore appeared to him that the course proposed by the committee was the right course to take. It was not proposed to interfere with the general powers of the committee under the act. He thought it most desirable that these powers should be left to their own discretion, anxious as they doubtless would be, to conform to the provisions of the act of Parliament.

Sir *R. Peel* was confident of this, that if a new act were necessary to do effectual justice, that act would cheerfully be passed. He apprehended that it was clearly the intention of the House that the petition of the electors should have been referred at the time to the general committee. But by some accident that reference had not taken place. He quite agreed with the noble Lord, that it was a point of prudence and policy to interfere as little as possible with the general committee. The hon. and learned Solicitor-general should remember that the House had intended by the act to take away from itself the temptation to such discussions, involving as they did party and political contests. He thought it, in point of law, much more probable that the general committee had the power to give directions in this case, than that the House had it. He was inclined to think that the committee had the power not to alter the order in which the petitions stood, but to postpone the whole proceedings to such a period as would enable the notices to be given in the case of the first. He thought the wisest course for the House to pursue, would be to remove all obstruction to the free action of the general committee; and if the general committee, on further consideration of the subject, should find the intervention of Parliament necessary to remove the difficulty, they might make a special report to the House on the subject. He should support the motion of the hon. Gentleman, which he thought ought to be complied with in order to give the general committee an opportunity of seeing if they could not provide a remedy for the evil; if they could not do so, they might make a special report, calling for the intervention of Parliament for the purpose of obtaining that which he was convinced was the object they all had in view, substantial justice to all parties.

Original motion agreed to.

SUPPLY—NAVY ESTIMATES.] House in Committee of Supply on the Navy Estimates.

Mr. *M. O'Ferrall* moved a vote of 602,610*l.* for seamen and marines during the current year.

Mr. *Hume* remarked that there was a great increase during the past year or two in the victualling charges. He found from the returns of the price of flour, for instance, that the quantity which formerly cost 1*l.* 18*s.* had, during the year 1839, cost 2*l.* 4*s.* 2*d.*, and that a great increase had taken place in the price of provisions generally. He wished, therefore, as this was a most important question, as showing how the Corn-laws pressed upon the finances of the country, that the hon. Secretary would state to the House what was the amount by which the Estimates had been increased in consequence of the rise in the price of provisions. This information would be of great importance in the discussion of the Corn-laws on some future occasion.

Mr. *M. O'Ferrall* said, he understood from the hon. Gentleman that it was not his intention to raise a discussion on the question of the Corn-laws on the present occasion, but that when he was furnished with the information he desired, he would suffer the discussion of the Estimates to proceed. He would, therefore, furnish the hon. Gentleman with the information he desired, which, as he understood, was merely for the rise in the price of corn and flour, and not on other provisions. He would, therefore, state the rise per cent. in the price of some articles during the present year, above the average of three years preceding the year 1839, distinguishing the rate per cent. of the rise at home,—of the rise at home and abroad; and as many of the ships in the Mediterranean fleet were victualled at Malta; he would likewise state the rise per cent. which had taken place in the price of articles of provision in that island. The increase in the price of wheat was 28 per cent. at home, and 22 per cent. at home and abroad in 1840, as compared with the three years preceding 1839. In biscuit, the increase was, at home 20 per cent.; in malt, it was, at home, 36 per cent. At Malta, the rise in flour was 11 per cent.; in wheat, in the island of Malta, 16 per cent. In spirits, the rise in 1840 over 1839, had been three per cent.; and in fresh meat, the rise in the present year over the last had been eight per cent.

Capt. *Pechell* wished to make some observations in allusion to the discussions on the condition of our Navy, which had taken place on a former occasion. He believed that our ships should be always sent to sea with their full complement, whether we were at war or in peace, so that the ships might always be ready for any emergency which might arise. It had been said that the efficiency of the officers would be impaired by their want of confidence in the Government. But he could assert that no feeling on the subject of patronage, nor party or political feeling, would influence the officers of the British navy in the discharge of their duty. His anxious wish was, that active and educated seamen should not be suffered to quit the service, but that, on the contrary, they should be encouraged to remain in it, reserving their valuable functions to their own country, without being compelled to transfer them to the service of foreign nations. It was a duty incumbent upon the Admiralty to increase the number of boys over and under seventeen years of age, by disposing of them among the captains of ships on the home stations. After three years' service these boys returned useful persons. The existing number of 2,000 might be very properly increased to four or even to 5,000. However anxious he was for the increase of the naval force of England, yet he did not wish to increase that force for the purpose of amusing the people of England, nor was he in favour of experimental squadrons; but he believed that ships of war so near as Lisbon or Oporto, would be equally efficient—nay, in fact, more efficient, by being stationed at those places, or at places equally contiguous—than if they were stationed in the Downs, the Nore, Plymouth, or any of the British ports.

Mr. *Plumptre* said, that instead of decreasing the vote of last year, he was in favour of a larger vote than that already named, and if a larger sum had been demanded, he would have supported the grant. It could not be satisfactory to the country that the navy of England should be inferior to the naval forces of other countries, and, although it had been stated that there did not exist any apprehension for war, yet neither did there exist any guarantee that a state of peace would continue. If no such guarantee did exist, was the navy of England in a fit state for war? The condition of the navy of England, as stated in a pamphlet written by a flag officer, was inferior to that of France and of other countries. The French had seventeen efficient ships of the line in the Mediterranean, whereas the ships of this country were not above fifteen; two of them also were coming home to be paid off, and our frigates were of an inferior size. Russia had a larger navy than that of England, and the men of war of France, equal in number to those of England, were more effective, and better appointed. The large war steamers of France amounted to twenty-five, while those of England amounted to sixteen. France, too, had a number of ships of the line upon the stocks, amounting to twenty-six, while England had but seventeen. France had thirteen steamers building, while England had but seven. That was an unsatisfactory state of things. With reference to the shores of England, they were absolutely defenceless. It might be objected to him that he was afraid of the coasts of that county which he had the honour to represent. He could remember thirty-two years ago, when the invasion of this country was projected by Napoleon, the anxiety and suspense which pervaded the minds of the people inhabiting the coasts opposite to the French shores, although trained militia bands were on the alert throughout the county. What was the present condition of the coasts? Where was their protection? Where were the wooden walls which were said to guard their coasts when there were the fleets of other nations larger in number and better manned within a few days' sail? The navy was the offspring of trade and commerce, and the neglect of that navy would be the downfal both of trade and commerce.

Lord *J. Russell* could not agree with the lamentations which had been uttered by the hon. Gentleman who had just sat down with respect to the weak and inefficient state of the navy. As a peace establishment, and it was only in that light he was now to speak of it, the navy was in a very efficient condition. A considerable sum was asked from Parliament; the hon. Member for Kilkenny thought it too large a sum; his belief was, it was not too large, and it would be applied with great judgment and skill, to make the navy what it ought to be. He did not think it fair in time of peace to compare our present establishment with what it might be necessary to keep up in case of war. Then with respect to foreign powers, there could be no test of comparison, except in time of war. If, in time of war, we found our navy defeated, it would be a proof of its inefficiency; but in peace, which he hoped would long continue, there was no means of contrasting the efficiency of navies. If, however, the calamity of war should come upon us, he felt confident our navy would not be found inferior to what it was at any former period. The hon. Member for Kent had talked of the unprotected state of our coasts and harbours: acting upon that hon. Gentleman's suggestion, what would the committee arrive at? France had a considerable fleet in the Mediterranean; it was not thought advisable, that our fleet there should be unequal to protect British interests in that sea. Russia had eighteen or twenty, sometimes even so many as twenty-seven sail of the line in the Baltic, during summer; were we then to have in our harbours, or on our coasts, a fleet equal to what Russia might send out in summer? Such a war establishment, and in time of peace, would be ruinous to the country. It would be a war establishment kept up, not as if we were at war with Russia or France, or any other foreign power alone, but as if we were contending with them all at once, when in fact we were at peace with those powers, and when our negociations were on such a footing that any matters which might be in discussion there was every probability would be brought to an amicable conclusion. He wished to maintain the efficiency of the navy, but without entering into those expences which would be so exceedingly enormous, that very soon the country would say, "Better have war at once, than keep up such armaments and suspicion." With respect to the complement of men in the ships, it was entirely a naval question, on which he would not pretend to give any opinion further than he had collected from those best able to form a correct judgment upon it. The question was not whether they should keep up the same number of ships, and equip them all with the larger number of men, which would enormously increase the estimate, but whether it were better to have twenty ships of the line without the full complement, or seventeen with the full force. In war they might require a full complement; but he thought the present complement sufficient for a time of peace. A full complement, no doubt, was necessary in cases of expected action with the enemy; but even comparing the present complement with what it was at the beginning of the war in 1793, it was very little larger than what was now kept on the peace establishment. A question had been asked the other night with respect to the apparent discrepancy on the face of the estimates as to the number of men which would be required; that was to be explained by stating, that a number of ships would shortly be here, and replaced by smaller vessels. Their respective force would account for the difference.

Sir *G. Clerk* said, he was happy to have received an explanation so satisfactory; the more so as the noble Lord (Palmerston) had stated, that the state of our negociations in the east was such as would not lead any person to suppose, that any speedy reduction in the amount of our naval force would take place in that quarter. Now, he was glad to be informed, that many ships were about to be brought home and paid off, and were not to be replaced; and he had further understood from the noble Lord, that if those ships were still found necessary to be kept up, the noble Lord would then feel himself authorised to come down to the House of Commons under such circumstances and require its sanction for an increased vote of the number of men. He could not agree to the eulogy which had been passed by the noble Lord opposite as to the distribution of our naval force. He did not consider—looking at the extent of our interests in North America and the West Indies—that there was a sufficient force kept up in those seas to protect our commerce, and to prevent the recurrence of events similar to those of last year. He thought also that it was essential to maintain a reserve force at home which should be available in any sudden emergency which might arise. They had very recently experienced considerable inconvenience from the want of such a reserve, in the case of the differences with China. Although the Government had been made aware of those differences as early as the month of July last, it was only in January the Admiralty were enabled to send out a force to the Chinese seas, whereas had there been a reserve of ships at home immediate assistance might have been sent out. He (Sir G. Clerk) thought it might be very advisable to keep up a number of guard ships, cruising in the channel and around our coasts, the crews of which would be thus kept in constant exercise, and the Government would thus have the means at their disposal of sending immediate assistance wherever it might be required. The noble Lord (Lord John Russell) had given a most satisfactory answer to his (Sir G. Clerk's) question, with respect to the difference of the number of men, as compared with the number of ships in commission. He should be glad to hear some Member of the Government give an equally satisfactory answer to the question that had been put by the hon. and gallant Member for Brighton, with regard to the number of boys employed in the service. The committee would be aware, that it was usual to allow a certain number of boys to every hundred men employed. A proposal had been made some years ago by his right hon. Friend the Member for Pembroke, which, by introducing boys, would in a short time bring into the service a number of excellent and most efficient seamen. The proposal was, that 1,000 boys should be constantly kept employed as supernumeraries; that number had since been increased to 2,000, which were provided for in a separate vote. What he (Sir G. Clerk) desired to know was, what number of supernumerary boys was to be kept up, besides those which were necessary as forming a part of the complement of the ships. He was glad to hear from the hon. and gallant Member for Brighton, that there would be no difficulty in obtaining any number of stout active boys that the service might require. He hoped, therefore, that the Admiralty would not lose sight of this most effectual means of providing efficient seamen for our fleet.

Mr. *C. Wood* remarked, that as to the want of a reserved force, that was not felt in the recent disagreement with China;

for it was not owing to any delay in the Admiralty that ships had not gone to China before now. He would say, too, that up to the time he had left the Admiralty the coasts of England had not been better protected for years back than during the last summer; for during the whole of that time they had eight line-of-battle ships within the call of this country. There were two at Lisbon, three at different places in England, and the three flag ships at the ports, on the 1st of July, 1839. The hon. Member for Stamford had questioned the possibility of filling up the crews of the latter from the ordinary. He had inquired into this, and he found that the number of men required to make up their complement was 1,500, and there were 1,700 disposable from the ships in ordinary; leaving upwards of 500 warrant officers and others for the temporary charge of the ordinary. He did not hesitate, therefore, to say, that the flag ships might put to sea in a very short time after receiving orders to that effect. With respect to the pamphlet by "A Flag-officer," which the hon. Member for Kent had quoted, he must say, that any one who relied upon the statements contained in it would find himself grossly deceived. He would only take two of the statements; one of them was, that "over-expenditure elsewhere was made up by unwise reductions in the navy." So far was that from being the case, that he was almost afraid to say in the presence of the hon. Member for Kilkenny how much the expenses in the naval department had been increased. The whole vote for effective naval services this year was 1,500,000*l.* higher than in 1835, including the addition for the packet service, and, making a liberal allowance for that, it had at any rate been increased 1,250,000*l.* since the present Government came into office. The "Flag Officer," in giving a list of English steam vessels afloat, omitted no less than seven, which were of 200 horse power and upwards, some of which had been in commission for years; and this might have been ascertained by referring to the quarterly navy list, so that the error was quite inexcusable. The statements, too, that were made by the same writer with regard to the French force were quite inaccurate. The French navy, he could say, was three line-of-battle ships worse this than it was last year. There were last year afloat and building forty-nine French ships of the line, this year there were but forty-six, as appeared by the list published in the annual French estimates on the 1st of January. With respect to the steam vessels which were afloat of the two countries, there were belonging to England thirty of 100 horse power and upwards, and to France twenty-six; while as to those above 200 horse power the English had fourteen, and the French three, excluding in England the home packets. Nothing, he considered, was more to be regretted than the habit in that House of constantly contrasting the naval force of our navy with that of foreign powers, and remarks too were often made which were calculated alike to excite jealousy and animosity. He particularly regretted the reference by the noble and gallant Member for Staffordshire to an expression which had often been quoted, derogatory to the character of the Russian navy, and this, for the sake of an unmeaning taunt to the Admiralty, but they were now better informed. The expression had not been used by himself, or by any of his late colleagues at the Admiralty. It had never been their opinion; they knew that the Russian fleet was in an efficient state, and that knowledge was only confirmed by what they had heard last summer. Hon. Gentlemen might be assured that the Admiralty was in possession of full information upon these matters, and that the interests of the country and the honour of the navy would be fully attended to by them. A great deal had been said of the difficulty of manning our navy, and the time which was required to fit our ships for sea. The gallant officer (Sir J. Cochrane) had stated, that on the report of Napoleon's landing from Elba a ship of the line had been got ready at Plymouth in ten days. It was not however to be expected that things would ever be done so quickly in time of peace. No orders could supply the place of that energy, which a feeling of the necessity of exertion gave to every person engaged in the service. Times of peace must be compared with other times of peace. A distinguished officer, who fitted out a frigate during the peace of Amiens, told him, that even during that short intermission of war, he had some difficulty in obtaining men. The facilities of obtaining men, comparing it with what it was ten years ago, was most favourable. He could make this statement upon returns which, though not from the Admiralty, were such he assured the House as they might rely upon. They applied both to the obtaining men, and the fitting by the dock-yard; the time referred to was, between the ships being commissioned, and their going out of harbour. In the course of the years 1828, 1829, and 1830, there were five small frigates commissioned at Portsmouth, and the shortest time taken was 104 days, the longest time 133 days. In 1836, there were three line of battle-ships sent out in thirty days shorter time than the frigates were, though the former were commissioned altogether, and at the same place. The ships commissioned at Plymouth, and at Sheerness the same spring, went out of the harbour sooner than those at Portsmouth. The crews of the whole must have amounted to near 5,000 men; and he did think that this one fact, proved conclusively that there was no such difficulty in obtaining men, as had been represented. He was prepared to show the same result from a comparison of other vessels both large and small, but would not trouble the committee with further details. With respect to the power of manning ships on a sudden, he had already referred to the reserve of men kept in the ordinaries. The hon. Member for Stamford had mentioned the reserve formerly afforded by the system of the coast blockade. He had stated, last year, that a committee was sitting to inquire into the present coast guard; and he could not sufficiently impress on the minds of his hon. Friends at the Admiralty the importance of so organising that force, as to render it more useful to the naval service. A third source of reserve seamen existed in those men who were discharged with pensions after twenty-one years, and who entered the merchant service. He disagreed with those who would allow them to serve in the Queen's navy, during peace with their pensions. It was already provided by law, that they might do so during war; and he thought that, now, they were more usefully employed, as examples to the merchant seamen of the advantages of the Queen's service, and a reserve in case of need. It was a great object to train up as many men as possible in the navy: and for every one of these retained, one new entry must be prevented. He thought this subject of reserves of seamen of the greatest importance, for he had not much faith in any system of registration. As to the French system of inscription which had been recommended, he could say that it had failed, and it was one in which greater hardships were endured, as great, at least, as any which he had heard complained of in the system of impressment in England. The hon. and gallant Member for Surrey called out for a large promotion: and complaints were made elsewhere of the want of employment for officers in the navy. It must be remembered, that promotion had been carried on for some years after the peace at such a rate, that there were in January, 1830, 500 more officers than in January, 1815. The country and the House, not unnaturally complained of this; and a rule was adopted for reducing the numbers, which had been rigidly adhered to of promoting only one in three. The Committee must see, that every addition by promotion added to the other ground of complaint of want of employment. He felt for the gallant officers who were anxious for employment and promotion; and he knew how painful the administration of the department was, when three-fourths of the applications must be refused. The fault however was not of the present or any former Admiralty: it arose from the long state of peace in Europe. The wishes and the interests of this country, and of all humanity, were for the continuance of this peace; and he did not believe, that even those most discontented would wish for the military toast of "a bloody war and quick promotion." Short of that, there was only one means of meeting their wishes, and that was what so many persons for various reasons seem anxious for, "a war establishment." It was not for him to point out what the House and the country might say to the taxes which they must vote and pay for such a course, but he would recommend Gentlemen well to consider that point before they persisted in urging so uncalled for, and so expensive a measure.

Sir *T. Cochrane* said, that the three guard-ships now in England were not fit to go to sea as the ships in ordinary. It had been said, that it was absurd to keep up the British navy in such a state as to compete with those of Russia or France; but there was a wide difference between doing this, and maintaining our fleet on such a system, that it was not efficient for times of peace.

Mr. *A. Chapman* was bound, as a candid man, and as a practical man, to declare that he never knew a time when the executive department of the Admiralty was better or more ably conducted than under the auspices of the hon. and gallant Officers opposite. With the exception of the better manning of the ships (and this must be done by a call upon the Chancellor of the Exchequer), the country was never better situated in respect to her naval force.

Sir *C. Adam* could only say, that it was most gratifying to himself and his hon. colleagues to hear so favourable a testimony to their management of the naval department from such a man as the hon. Gentleman opposite, more especially as he was one who well knew what the maritime service of this country was, and who was so able to judge of the state of the navy. Last summer the activity which prevailed in the mercantile marine prevented the quick manning of our ships; but many fine fellows might be found for the service from the steamboats, crews of landsmen, and others, in the event of a war coming suddenly upon us. It had been boasted on former occasions, that in the year 1829, the squadron which was sent out to bring home our troops from Lisbon had been very rapidly manned; but those ships, be it recollected, were only half manned, and they could not carry their lower deck guns, because had they done so, there would have been no room for the troops. Our guard ships, on the contrary, were much better manned, and they had got their men in ordinary near at hand, who could be received in twenty-four hours after an order being made. It had been made a subject of complaint, that we had not a sufficient force on the Mexican coast; but since then his hon. Friends had taken care to remedy that evil; and it was only from the casualty of their having had a very long passage, that the intelligence of the arrival of the ships had not been received. With respect to the complaint as to ships not being sent out to China, that was not well founded, because, had there been a sufficient force, the ships could not have been of service on account of the obstruction which the monsoons would have offered. As to the charge brought by the noble Lord of profligate promotion in the navy, there was nothing which could support the noble Lord's declaration. He was not speaking of the appointment of Admiral Fleming, which did not belong to the Admiralty; the noble Lord at the head of the Government in another House had taken the responsibility of that appointment. But he said, that no man in the service, from his boyhood upwards, had done more, as opportunity offered, for the service of his country than Admiral Fleming; he had only wanted the opportunity of distinguishing himself against the enemies of his country. He defied the noble Lord to show him any instance of profligate promotion. They might look back to some which had been formerly made, probably not very necessary for the good of the service; but if the noble Lord would bring forward any case of an appointment, which he said was profligate, he would meet it with pleasure; for he would tell the noble Lord, in the strongest language that he was capable of uttering, that there was no profligate promotion in the navy. Young as they might be, or old as they might be, no man had been promoted who had not deserved it, and he did not blame any man for promoting his friend if he deserved it. He thought also, after the promotions which had been made in 1837 and 1838, that it was not very reasonable to talk of want of promotions.

Lord *Ingestrie* said, the gallant Admiral had accused him of making use of the term "profligate promotions." He had not made use of that word. What he had said was, that the promotions which had been made were by no means creditable to the Admiralty. [Sir *C. Adam.*—You made use of the term twice over.] He was not aware of having made use of the word. The gallant Admiral had been fortunate, that the force for China had not been required immediately; but it might have so happened, that the ships were wanted at a moment's notice; therefore he contended, that having ships in the neighbourhood of the ports ready for any emergency, and because also of the good effect it had on seamen generally to see fine men-of-war off the coasts, was most desirable. The statement he had made on a former occasion, and which had been called in question by the hon. Member opposite (Mr. C. Wood), relative to the number and strength of French and English steamers was perfectly correct, and was taken from the navy lists. A great deal had been said with respect to the manning of the ships, but he thought the whole face of the matter was changed since the alterations of last year; and he was very glad that the instructions of that House had produced such an effect. There was one point about which he wished to have some information with respect to the seamen educated on board the Excellent. He should like to know if any steps were taken to retain those men in the service; because, otherwise, it would be very prejudicial to our national interests if we were to educate men, afterwards to bear arms against us in a foreign service. Though this was scarcely the proper vote on which to open the question, he still could not resist the opportunity now afforded him of complaining of the state of the naval architecture of the country. He wanted to know whether the Gorgon had been laid down with the intention of her carrying guns between decks. He never knew an instance where a ship after once laid down with a particular intention was altered, but that such alteration made her a failure. If the principle on which the Gorgon had been built was good, why had it been deviated from in the case of the Cyclops, the very next ship that had been laid down? He had procured last year returns of the experiments made with the Pique and the Inconstant; those returns were now on the table, and showed that the Inconstant had proved herself, not only to be a superior ship, but a very efficient man of war; and yet why was it, that now the country were to have all Piques, and no Inconstants? What he wished to see established in this country was a board of naval instruction, similar to that established in the year 1752 in France, by the then Minister of Marine, and which should be composed of men of science, who could give their opinions on matters to which it was impossible for the Board of Admiralty to give attention. It was not necessary that such a board should be a paid board, for he was sure that the men of science of this country would undertake the duties imposed in that respect in the same way as did the Royal Society. He had to apologize to the committee for thus trespassing on its attention, but no threats of violence of manner on the part of the hon. and gallant Admiral opposite (Sir C. Adam), should deter him from doing his duty as a Member of Parliament, in calling its attention to circumstances which came to his knowledge.

Sir *C. Adam* regretted if his warmth of manner had at all been offensive to the noble and gallant Lord. He meant no disrespect to the noble and gallant Lord, but when charges were brought which were unfounded, the noble and gallant Lord would always find him in the same disposition. In answer to the question as to the Gorgon, he begged to say that she was not intended to carry guns in the way stated when employed as a steamer; but as she had port-holes for ventilation, and as it might be necessary to employ her as a sailing vessel, bolts had been fixed at her port-holes in order that she might, if required, carry guns between decks, and she was now a fine ship of war.

Sir *T. Troubridge* said, he had great pleasure in answering the question which had been put (and not yet answered), by the noble and gallant Lord, with respect to the seamen gunners of the Excellent. That most valuable class now entered for five years, with increased pay; and with a view to keep them in the service, additional pay was given them again to enter for five years more.

Sir *J. Duke* was surprised that hon. and gallant Members opposite should complain of the size of the present ships of war, when it could not be denied that they were now much better than they were during the late war.

Vote agreed to.

A vote of 122,236*l.* was proposed for defraying the salaries of officers and the expenses of her Majesty's naval establishment for the year 1840.

Mr. *Barnard* complained of the grievance under which the inhabitants of Greenwich were labouring, from the circumstance of the Crown lands in that district being exempted from the payment of rates, and begged to know if the Government intended to take any steps for remedying it?

Mr. *O'Ferrall* said, he could only repeat the answer given by the hon. Member for Halifax last year to the same question. He admitted the grievance, but it was not in the power of the Government to remove it. It was of course open to the hon. Member for Greenwich to bring forward a measure in reference to it, if he thought proper.

Mr. *W. Attwood* thought it a very proper question for the Government themselves to take up. They admitted the existence of the grievance, and yet they refused to do anything for its removal. It was not merely a local question, but one of general importance, deserving of the attention of the House, and one upon which he pledged himself, before long, to submit a proposition to the House. He was clearly of opinion that no one district of the country should be taxed for the advantage of the public generally, and to act on a different principle was a course which could not be justified. He wished also to say a few words with respect to the dockyard at Deptford, for the maintenance of which he found a sum specified in the estimates. Why, he would ask, was this dockyard to be kept open when no ships were built there, and when it was not employed for any useful purpose. The inhabitants of Deptford justly complained of the Government for keeping possession of all the most valuable land, when the dockyard was not employed for the service of the country. He was of opinion that the work which was now done at the outports ought to be transferred to Deptford, where its execution would be more under the superintendence of the officers of the Admiralty. If it was contended that Deptford dockyard, though not used at present, would be required in time of war, then he must say, that it would only be fair for the Admiralty to give a portion of its employment to that place at present. They ought either to abolish the dockyard altogether, if it was useless, or, if it was necessary to keep it up, then they ought to give a fair portion of the labour to that establishment. He should not then trouble the House farther, but, on some more convenient opportunity, he should feel it to be his duty to lay the whole facts of the case before the House.

Vote agreed to.

A vote of 528,723*l.* for wages to artificers, labourers, and others, employed in her Majesty's establishments at home, having been put,

Mr. *Barnard* was understood to complain of the inadequate wages paid to shipwrights in the dockyards.

Mr. *M. O'Ferrall* said, the pay of the shipwrights was not fixed on any arbitrary principle, but on a fair comparison of the wages paid in private yards, taking into consideration the advantages enjoyed in the public yards. In the public yards the shipwrights had constant employment, and they had also medical attendance when in ill health. They besides possessed other advantages which were not enjoyed by the shipwrights in the private yards, so that the 4*s.* which was paid in the public yards, was not inferior to the 7*s.* paid in the private yards, where the employment was only casual.

Sir *G. Grey* said, that the system of classification was much complained of in the dockyard at Devonport, and the principal cause of that dissatisfaction was, that the highest class was not sufficiently extensive. He trusted that the subject would be fully considered by the Admiralty, and that some means would be adopted to put an end to the dissatisfaction which prevailed.

Sir *G. Clerk* said, that the system of task-work was employed in all the public dockyards abroad, as well as in the private yards in this country; and he thought that one of the best steps to remove the dissatisfaction which prevailed would be, for the Admiralty to return to the old system of task-work in the dockyards of this country. By that system more work was done for the amount of wages paid than by any other, and he trusted that the Admiralty would consent to reconsider the whole subject.

Mr. *W. Attwood* said, that it was quite clear, that to secure the best labourers for the public dockyards, they must give the highest rate of wages, or at least wages not inferior to those paid in private yards. It was upon that principle and upon that ground, that the late Chancellor of the Exchequer had consented and pledged himself to reconsider the whole subject. He hoped hon. Members would consider the rate of wages paid in private yards and in the public yards, and they would then be able to decide when they saw the difference, whether it was possible to have the ablest workmen for the public service.

Mr. *C. Wood* said, the only assurance that had been given was, that the superannuation allowances would have been taken away in 1833, should be restored, and that pledges had been fully redeemed; for an order in council had been issued which did restore that allowance and even more, for it was made *ex post facto.* The average earnings in the private yards were not more than in the dock-yards, and he would ask why should they pay more than was necessary to engage the best class of workmen to employ themselves in the public yards.

Mr. *W. Attwood* said, that the men in the dock-yards did not like the distinction which was made by the classification, and thought that by such a system an injury was inflicted upon them.

Mr. *Corry* was rejoiced to find that the number of artificers employed in the naval yards was at length about to be augmented, and he even thought, when he considered the present condition of the fleet, that a still further augmentation of their number would hereafter be found indispensable. It had been stated by his right hon. Friend the Member for Pembroke, when he was at the head of the Admiralty, that the force of line-of-battle ships was less than at any period since the Revolution, and he referred to the year 1778, at which period the number of ships in commission and in ordinary was 123—forty-five more than, according to Sir John Barrow's tables, we possessed last year, and he was at a loss to understand why, with an increased and increasing mercantile marine, at once requiring additional protection, and furnishing additional means of affording it, while other nations were sparing no expense to render their fleets more and more formidable, so great a reduction should have been made in the number of line-of-battle ships belonging to this country. This diminution was in a great measure to be ascribed to the abandonment of the system of launching year by year three ships-of-the-line in order to keep up the required number of ships. If that system had been adhered to during the six years which had elapsed since his right hon. Friend the Member for Pembroke had relinquished office eighteen ships-of-the-line would have been launched. But, what was the fact? Only four ships had been launched, and in consequence of this the force of line-of-battle ships was fourteen less at this moment than it would have been if the present Government had followed up the former system. But, notwithstanding that the force of line-of-battle ships was thus reduced, it had been stated by the noble Lord at the head of the Admiralty, in another place, as a triumphal answer to those who talked of the want of new ships, that he could, if necessary, send to sea forty sail of the line, in addition to the twenty already in commission. With respect to this assertion, he wished to observe, that we should form a very erroneous estimate of the strength of our line-of-battle, if we were to consider it with reference to the number alone of the ships of which it was composed. The force of each ship, compared with that of ships in other navies, ought also to be taken into consideration. The total number of ships-of-the-line in commission and in ordinary (exclusive of the old seventy-two's) was only forty. Twenty, therefore, at least of the sixty ships, which the noble Lord said he had at his disposal, must be seventy-two gun-ships, a class as inferior to the line-of-battle ships of the same rating of the present day, as the old sixty-four's at the beginning of the last war were to the seventy-four's of that period. He would not suppose any limit to what might be accomplished by British sailors, but he did say that one of these ships would have to contend against fearful odds alongside the smallest line-of-battle ship in the French or American navy. To show the opinion entertained by naval officers on this point, he would, with the permission of the committee, read a short extract from a letter from an officer of high reputation at present serving in the Mediterranean fleet. The date of the letter was December 14, 1839, at which period the English and French fleets were at anchor together off Vourla:—

> "There is much talk here about the small ships lately sent to the Mediterranean, and what chance have such cribs as the seventy-two's, such as Benbow, Belleisle, Edinburgh, Hastings, &c., against the French ships, the smallest mounting eighty-six guns with 750 men—the Hercule, the Jena, &c., 100 guns with 900 men? Should such an event occur as a collision with the French, to say the least of it, they are most fearful odds. Englishmen will do all that may become men; but I trust the eyes of our Government may be opened before we shall have to encounter such a disparity as 100 guns and 900 men against seventy-two guns and 550 men."

He would venture to say this was the universal opinion of naval officers with respect to these inferior ships; and, indeed, it had been admitted even by the Admiralty, that they were not considered effective ships of the line. His hon. Friend the Member for Halifax stated last year, that they were wearing them out in peace, reserving the more powerful ships for the exigencies of war; and the noble Lord at the head of the Admiralty had stated in another place, that if there was the slightest prospect of a rupture with France, the seventy-two's attached to the Mediterranean fleet would instantly be replaced by larger ships from home. But the gallant Admiral the Member for Clackmannan went still further, for he declared that in the event of war the seventy-two's were to supply the want of heavy frigates, a class of ship-of-war in which we were indeed most lamentably deficient. Now, he would say, that if it were the intention of the Admiralty thus to employ these ships, they had no right to consider them as forming a part of the line of battle, and (as twenty of them at least must be deducted) there would then remain no more than forty effective ships of the line at their disposal in the event of any sudden emergency that might arise. But admitting, for argument sake, that they had sixty effective ships of-the-line at their disposal, he asked at what former period of our history, for the last century at least, had sixty ships been considered a sufficient force? It was stated by Sir Byam Martin, in his evidence before the Finance Committee, that

> "In 1793 we had ninety-one sail-of-the-line, and that these were found inadequate to the early and growing wants of the Government in the formation of squadrons for the various and distant objects of protection and enterprise they had in view."

And to such an extent was this inadequacy felt, that in the year 1801, just before the short peace, there were, as he found stated in a paper which was laid before Parliament in 1805, 122 ships ships of the line actually in commission, exclusive of ships doing harbour duty. Sir George Cockburn, also in his evidence before the finance committee, pointed out the necessity of our maintaining a large fleet. He said,

> "The great difficulty England has, and her great necessity for having a large navy, is, that that she has colonies in every part of the world, and that we are obliged, in case of war, to send a force to every part of the world where we have commerce, which is every part of the world."

And he added, that in consequence of this necessity,

> "The navy of England should be at least double that of any other nation."

But they were told, that admitting our present force to be too small for the exigencies of war, there was no necessity to maintain a larger number of ships at a time of profound peace, as this was called; and his hon. Friend, the Member for Halifax stated last year, that

> "The number of ships had been diminishing since the peace, that they, like everything else, had been coming to what was considered a peace establishment."

Now, he must say, that he thought the system of making any considerable reduction of the number of ships in ordinary during peace was very mistaken policy. One of its unavoidable consequences must be, that onr commerce, our colonies, and even our own shores, would be left without sufficient protection for a year at least at the commencement of a war, and he thought it could hardly be argued, that the proper time to think of building ships was when you wanted to send them to sea with the utmsot expedition. He thought this view of the question went far to prove, that the system of reducing the number of ships in ordinary to a peace establishment was not a wise one; and he had the strongest grounds for saying, that it was also at variance with former practice. Sir Byam Martin, whose authority no one could question, had stated, in his evidence before the finance committee,

> "That at all former periods of peace the efforts of England were unremitting in bringing the navy into a formidable state, particularly between 1783 and 1793."

He had endeavoured to ascertain to what extent the efforts of England had then been carried, and he was informed by a paper which was laid before Parliament in 1805, that in this interval of peace of ten years' duration, from the conclusion of the American, till the beginning of the last war, forty-two sail of the line and forty-five frigates were launched. He had not been able to ascertain what number of ships of the line had been launched during the twelve years of peace, which preceded the American war, but he thought the fact that the force of line of battle ships, belonging to England at the commencement of that war was 123 (upwards of forty-five more than we had now) was conclusive evidence that the system of reducing the number of ships in ordinary to a peace establishment was not then the practice. The evidence that this system was inconsistent even with economy was equally conclusive. Its inevitable result must be the necessity of having recourse to merchant builders in the event of war — a necessity from which during the last war the finances of this country had suffered most severely. Sir B. Martin, in his evidence before the finance committee, traced to this source the alarming decay of ships during the war, from the use of unseasoned timber, and the consequent waste of millions of money. He traced also to the use of unseasoned timber a great increase of sickness among the crews —a consideration, he presumed, it would be admitted, of some importance. Sir Byam Martin went on to say—

> "I may therefore say, with propriety, that the period of peace is the proper time to provide such an ample stock of line-of-battle ships as may prevent the risk of again falling into the hands of merchant builders."

The evidence of Sir John Barrow also, before the same committee, was to the same effect. He said, that

> "In the year 1805, when there was no hopes of sending a sufficient fleet to sea, the late Lord Melville ordered a contract to be made with the merchant builders for forty 74 gun ships. These ships were contracted for by the Navy Board, at 34*l.* a ton, the common price then being about 24*l.*, but in consequence of the necessity of the state, the contractors, as usual, took the advantage, and the Admiralty could not get them for less."

This statement was verified by a paper which was laid before Parliament in 1805, being an estimate of the comparative cost of building a 74-gun ship in Deptford yard and in a merchant's yard—the estimate in the King's yard was 43,359*l.*. in the merchant's yard 62,430*l.*—the difference being for each ship 19,071*l.* The result of this had been, that there occurred in the navy estimates for one year, the year 1807, the following item:—For building ships in merchant's yards, and other extra expenses, 2,134,903*l.* He thought it impossible to have stronger evidence than this to prove that the system of reducing too low the number of our ships would eventually prove inconsistent even with economy, and if there were any so dead to every nobler feeling, and so regardless of every higher consideration, as to consider this a question of pounds, shillings, and pence, they might depend upon it that we could commit no one act more calculated to involve us in hostilities than that of allowing our naval strength to be reduced so low as to inspire other nations with the belief that we were no longer in a condition to vindicate our naval supremacy, and he need not add, that if such should be the result of our parsimony, a war of even one year's duration would cost us more than the expense of maintaining the fleet in a state of efficiency to the end of the present century. He had stated, that in his humble opinion we had been too remiss in building ships of the line; but he thought we had been still more so in respect of frigates. We had still, indeed, a long list of this description of ships of war; but on examination it would be found to be chiefly composed of comparatively small vessels, and that in building frigates of the larger classes we were by no means keeping pace with the progress of other nations. He found it stated in Sir John Barrow's tables, which were published last year, that of frigates of the 1st and 2nd classes, mounting 50 guns and upwards, actually built, America had fifteen, France twenty-five, England only nineteen; America was building eighteen, France seventeen, England two. In short, France and America had forty frigates, mounting 50 guns and upwards; England had nineteen. They were building thirty-five; England two. And if we continued thus indifferent to what was passing around us till these preparations should be completed, France and America would have seventy-five of these heavy frigates, while England would have but twenty-one to oppose (in the unfortunate event of a war with these countries) to this overwhelming force. The gallant Admiral opposite had, indeed, told them that this service was to be allotted to the 72's; but not to mention other objections to this expedient (of which he thought there were many), the 72's were all old ships nearly worn out, whose services would not therefore much longer be available, and therefore he thought there was an urgent necessity for increasing the number of frigates of the larger classes. No one could be more averse than he was from an inconsiderate and wasteful expenditure of public money, and he did not now ask for naval establishments on a scale of unnecessary or extraordinary magnitude, but he did think that it was nothing short of madness that we, whose strength and security was our fleet, should tamper with its efficiency from motives of misplaced economy, and he earnestly trusted that they who were responsible for the condition of the navy were about to adopt the advice which was given them last year by his right hon. Friend, the Member for Tamworth, and to take such measures as would enable the naval force of this country to advance in a manner corresponding with that of other nations.

Vote agreed to.

On the vote of 187,263*l.* for civil pensions and allowances.

Mr. *Hume* complained that we had as much to pay now for pensions as in 1822. The amount was perfectly enormous. It was little short of 4,000,000*l.* per annum. For his part he thought it would be better to do away with pensions altogether. He complained that there was no limit to the naval establishment, and that the Admiralty had the power of creating any amount of pensions which they pleased. He also complained that the marine was treated differently from the navy. He would call for a return of all pensions, civil and military, with which the people of England were burdened, and the amount would surprise the country, and thus make it feel the necessity of reduction. He did not blame the Government, who were holding back; but he did blame hon. Gentlemen on the opposite side, who were calling for new line-of-battle ships. He even found amongst the supporters of an increased naval armament the hon. Member for East Kent. Even he was sounding the trumpet; even he was a man of war.

Mr. *Plumptre* begged to remark, that there were circumstances in which a country might be unavoidably compelled to make warlike preparations.

Captain *Boldero* complained of the treatment of mates and midshipmen (not in active service) who, while they got nothing whatever from the Government, were prohibited from making a voyage on board a merchant ship, there being an order from the Admiralty compelling them to appear every year.

Captain *Pechell* thought that this arrangement was for the advantage of the parties concerned, as it tended to retain them in the service, and prevented them from forfeiting their chance of future promotion. Mates and midshipmen, under these circumstances, had not much difficulty in getting a ship. It was quite true that midshipmen's half-pay was "nothing per day, and find yourself;" but this was one of the long-established inconveniences of the service.

Vote agreed to.

House resumed.

Inland Warehousing.] Mr. *Labouchere* said, that he did not see in his place the right hon. Gentleman who had given notice of a motion to refer the Inland Warehousing Bill to a select committee, and in his absence he would only say, that he was willing the subject should be taken into consideration by a committee up stairs. He hoped, however, that no time would be lost in moving for, and naming the committe, as it was desirable that the subject should be brought under the consideration of the House as speedily as possible. He trusted, therefore, that he had left it in charge with some hon. Member to move for the select committee at once.

Sir *G. Clerk* said, that his right hon. Friend had asked him to give notice of a motion to that effect.

Mr. *Labouchere* said, that if there was no objection to the course, he would himself move that the Committee be appointed, as he was very anxious that no delay should take place. He was quite sure that the right hon. Gentleman did not mean to interpose the Committee for the purpose of delay, and if he imagined that the subject would be more thoroughly investigated by a Committee up stairs than in a Committee of the whole House, he (Mr. Labouchere) had no objection to the inquiry. He hoped, therefore, that he should be allowed to move that a Select Committee be appointed.

Committee appointed accordingly.

HOUSE OF LORDS,

Tuesday, March 3, 1840.

Minutes.] Bill. Read a second time:—Vagrant's Removal.—Read a first time:—Horse Racing.

Petitions presented. By the Duke of Richmond, and the Earl of Aberdeen, from a number of places in Scotland, against the Intrusion of Ministers into Parishes without the Consent of the Parishioners.—By the Duke of Richmond, from Wroxford, against the Rating of Union Workhouses.

Corn Laws.] The *Duke of Richmond* stated that he had sixteen petitions to present from parishes in Sussex, praying that their Lordships would not sanction any measure for the repeal or alteration of the Corn-laws. He need not say that he cordially agreed in the prayer of the petition; and he hoped that the farmers of this country would lose no time in forwarding to both Houses of Parliament petitions embracing the same opinions on the subject; for they must be aware that persons were going through the country lecturing on this question, and getting persons to sign petitions who in reality knew very little about what they were signing. He trusted, therefore, that the farmers would immediately do as they had done last Session—humbly petition both Houses of Parliament not to accede to the wishes of those who were desirous of repealing the Corn-laws. That was the wise and proper course for them to pursue, and he was confident that if they adopted it, their efforts would produce the same result which had attended them last year.

Petition laid on the Table.

MAYNOOTH COLLEGE.] The Earl of *Galloway* presented a petition from the Protestant Association of Edinburgh, and as it was very short, and the subject was of importance, he begged leave to read it. The noble Earl read the petition, which prayed for an enquiry into the nature and tendency of the books used as class-books at Maynooth College; and setting forth that if those books were such as they had been described to be, it was inconsistent with the duty of a Christian Government any longer to supply funds for the support of that college. The noble Earl proceeded to say, that in laying this petition before their Lordships he did not pretend to be acquainted with the books in use at the College of Maynooth; but he had no hesitation in asserting, that if the books were of such a nature as was stated in this petition, it was a subject that ought at once to be dealt with by Parliament. In presenting this petition he begged it to be observed that he entertained no hostile feelings towards the Roman Catholic body. Indeed, he was one of those who, from the very first, entertained a conscientious opinion in their favour, and in the other House he had voted in favour of what was called Catholic Emancipation, and he was sorry that that measure had not produced those happy results that were anticipated from it by the many Protestants who had supported it. Of this, however, he had no doubt, that a Roman Catholic college, established for purely Roman Catholic purposes, was inconsistent with the security and safety of a Protestant state. Such a college it appeared by the petition, was now receiving aid and assistance from the country. Against the noble Lords opposite he made no accusation on that account; but he conceived that if, after duly considering the subject, it was found that such an establishment was inconsistent with the public safety, the grant for its support ought to be rescinded. At an influential meeting which was held some time ago, extracts from the books in use at Maynooth were read, and they were found to agree with the allegations contained in the petition. It was therefore a proper subject for serious inquiry. About a month ago a right rev. Prelate had moved—

> "That an humble address be presented to her Majesty, praying that her Majesty will be graciously pleased to command that inquiries be made into the diffusion of blasphemous and immoral publications, and especially into the tenets and proceedings of a society under the name of Socialists, which has been represented in petitions to this House to be a society the object of which is, by the dissemination of doctrines subversive of morality and religion, to destroy the existing laws and institutions of this realm."

To that address her Majesty was pleased to return the following most gracious answer:—

> "I will give directions that inquiry be made into the important matters which form the subject of your address; and you may rely upon my determination to discourage all doctrines and practices dangerous to morality and religion."

Now, he founded his appeal for inquiry in this case on the address which he had read, and the gracious answer in reply to it. He hoped that an inquiry would be instituted on this subject, in order that no further public grant should be continued for the support of this college, if, as had been described, and as he believed to be the fact, books were used in it which promulgated doctrines dangerous to morality and the welfare of society.

Petition laid on the Table.

KEW BOTANIC GARDENS.] The Earl of *Aberdeen* wished to ask a question relative to a subject which was in some degree, if not directly, connected with the situation which the noble Viscount opposite (Lord Duncannon) held. He alluded to the Royal Botanic Gardens at Kew.

He had heard many reports, with respect to the intention of the Government to abandon and destroy that fine establishment. He should have given little or no credit to those reports, if he had not been informed that an offer had been made to the Horticultural Society of this city to give up to them the plants in the gardens on certain conditions. That society was very well known to be anxious to forward horticultural pursuits; but they nevertheless, declined the offer. They refused to become parties to a transaction which had for its object the destruction of those gardens. He considered the Botanic Gardens at Kew to constitute a part of the state and dignity of the Crown, which ought by no means to be alienated from it. He knew not what expense this establishment might entail on the civil list; but he should be happy to see assistance given by the country, if it were necessary, in support of an object of this description. So far from desiring to destroy this establishment, he should think that her Majesty could not favour a better object than the protection, encouragement, and cultivation of that delightful science with which those gardens were connected. He now asked the noble Viscount who was at the head of the department of Woods and Forests, whether any such intention as that to which he had alluded, at present existed? or whether the tacit reproof administered by the Horticultural Society, to whom the offer was made, had induced the Government to forego their original intention?

Viscount *Duncannon* said, that the Botanic Gardens of Kew were not under the control of his department. But he could assure the noble Earl, that there was not only not the least intention now to break up those gardens, but there never had been any such intention. Indeed, the would have been next to impossible; for a great many of the plants could not be removed without insuring their destruction.

The Earl of *Aberdeen* had no wish to allege anything against the noble Viscount's department, which he believed to be the best managed under the Government; though, perhaps, that was not saying a great deal in its favour. The noble Viscount had informed them that these gardens did not come within the range of his department. It therefore might be supposed, that the noble Viscount was not aware of all the circumstances of the case. Now, he could assure the noble Viscount, that an offer of the plants was made to the Horticultural Society of London, that society had refused the offer so made, thinking it would be injurious to the public interests that the establishment should be so broken up. The noble Viscount thought that the plants could not be removed without great danger. That might be so; but there could not be a doubt that the offer of the plants was made to the London Horticultural Society on certain conditions—such, for instance, as that the public were to be admitted freely to the society's gardens one day in the week, or something of that sort. He was, however, most happy to find, that the project was abandoned.

Viscount *Duncannon* said, though the care of the gardens was not in his department, he had the authority of the Lord Steward for stating, that no intention of breaking up the gardens now existed.

Destruction of Exchequer Records.—Lord *Redesdale* complained of the enormous destruction of records connected with the Exchequer, and begged as ask by whose orders the records had been destroyed.

Lord *Monteagle* said, the documents which had been lately destroyed, were, for the most part, duplicates of documents connected with ancient proceedings in the Exchequer. They had not been destroyed until there had been a full inquiry and due deliberation upon the subject. Two gentlemen, competent to the task, were appointed to make the inquiry. They had reported on the subject; and if the House required it there would be no objection to furnishing the report.

Subject dropped.

Horse Racing.]—The Duke of *Richmond* requested their Lordships to permit the first reading of a bill which had been rendered necessary by certain late transactions of a vexatious character. An act had been passed in 1740, which prohibited any person from running more than one horse in a race, or from running any horse otherwise than his own name. That act, up to the present time, had never been carried into effect. Neither, indeed, could it; because, if a person bought a horse under an engagement, it must run under that engagement, as a matter of course. Yet, according to that statute, the horse was forfeited, and the owner become liable to a penalty, The act was hardly known, indeed, until some very clever solicitor lately ferretted it out, and served notice of action upon six gentlemen under its provisions. Now, according to that law, the Member for a borough or county subscribing 10*l.* or 20*l.* to the races held there, was liable to a penalty, or any number of gentlemen entering for a sweepstakes. His late Majesty, who kept race-horses for the purpose of encouraging an amusement which all could enjoy, and of maintaining the the breed of horses, frequently ran three horses in one race, and that in the name of the Master of the Horse. His Majesty, by doing so, was liable, under this act, to one of the penalties, and the forfeiture of the horses, and the Earl of Albermarle to another penalty. The act had clearly fallen into desuetude, and therefore he called on their Lordships to repeal it, since it could only be made use of to extort money from persons who were perfectly ignorant of its existence. The bill would go to repeal that part of the 13th of George II. which contained the enactments to which he had referred. He had adopted the precedents afforded by a bill brought into Parliament by Sir W. Follett some time ago, and another introduced last year by the Attorney-General, the one relating to pluralities, the other concerning newspapers, so that in the case of actions already instituted, the party might get his costs, but not recover the penalties.

Bill read a first time.

HOUSE OF COMMONS,

Tuesday, March 3, 1840.

MINUTES.] Petitions presented. By Sir G. Strickland, Messrs. Macaulay, O'Connell, A. White, Lambton, and Grey, for, and by Messrs. Morgan, and several other Members, from a number of places, against the Repeal of the Corn-laws.—By Mr. Grimsditch, Lord Powerscourt, and Mr. Praed, from three places, against any further Grant to Maynooth College.—By Mr. Freshfield, from Persons residing in Coleman-street, for the Release of the Sheriff.—By Lord John Russell, from Maldon, for Upholding the Privileges of Parliament.—By Mr. Gibson Craig, and Mr. Macaulay, from several places, against the Intrusion of Ministers into Parishes.—By Lord Powerscourt, and Mr. Protheroe, from three places, for Church Extension, and against the Rating of Workhouses.—By Mr. W. Duncombe, from one place, for Regulating Factories.—By Mr. Hawes, from certain Dissenters, for the Release of John Thorogood, the Abolition of Church Rates, and against the Jurisdiction of Ecclesiastical Courts.

MR. SHERIFF EVANS.] Viscount *Mahon* before the House proceeded to the regular business of the evening felt bound to state to them some circumstances which had come to his knowledge, and admitted of no delay, and which he hoped would receive immediate and attentive consideration. On that morning he received a message from a Mr. Freeman, who, he since understood, was a medical gentleman of the highest character and respectability, residing at No. 21, Spring-gardens. Mr. Freeman stated to him that he was the professional attendant of Mr. Sheriff Evans, and that Mr. Sheriff Evans was suffering under a complaint of the liver. He further stated, that Mr. Sheriff Evans had been used to an active life, and that on undertaking the office of sheriff he could not have foreseen the circumstances in which he had since been placed. Mr. Freeman went on to say, that further confinement would be not merely dangerous to the health but dangerous to the life of Mr. Sheriff Evans; and stated expressly, that he conceived the life of Mr. Sheriff Evans to be in danger from further confinement. Under these circumstances, looking to what the House had determined in the case of Mr. Sheriff Wheelton, he thought that if Mr. Freeman's statement proved to be well-founded, the House must come to a similar determination. He had, therefore, requested Mr. Freeman to be in attendance at the House about five o'clock, for the purpose of being examined; so that if anything which he had now stated to the House were exaggerated or erroneous, it might be set right; and if, on the contrary, his statements were correct, that they might rest on the professional authority of a medical man. Having stated this circumstance, he should leave the case in the hands of the House, fully trusting, as an assembly of British Gentlemen, having commenced whatever measures they meant to pursue for the defence of their privileges, and whatever opinions they might entertain on such measures—that, as an assembly of British Gentlemen, they would never be found unmindful of the claims of sickness or the duties of humanity. If there were no objection, he would move that Mr. Freeman be called in and examined at the Bar.

Mr. *Warburton* hoped that the question would not be brought forward that evening; but if the noble Lord intended to call for the evidence of which the noble Lord had spoken, that he would give notice. He thought that on the last occasion the House had been taken by surprise. They all felt exceedingly sorry, as individuals, for the inconvenience to which the sheriffs had been subjected by their confinement; but it was on general principles that they thought it necessary to subject those gentlemen to confinement. Take any other case. Suppose the two individuals confined in Warwick Gaol, in consequence of a riot at Birmingham. It was proved, by correspondence which had been laid before the House, that the health of those two individuals had been most seriously endangered. What was the course pursued by the Government upon the representations which were made? The surgeon of the gaol was the person appointed to investigate and inquire into the health of those individuals. It was only after very long continued representations of the bad health of these individuals that the medical adviser, who had been accustomed to visit them was allowed, as a great indulgence, to have access to the prisoners to examine into their state of health. He would, therefore, beg of the House to observe the difference between this way of treating prisoners in custody for offences against the laws when their health was endangered, and the summary mode of proceeding which was now proposed. He trusted that the noble Lord would give notice of his motion, that Gentlemen might have an opportunity of knowing that it would come on, and of considering the best mode of proceeding, whether they were disposed to support or oppose the motion. It was not fair that the motion should be brought on without previous notice. The noble Lord had not ventured to say, that there was any immediate danger to be apprehended; and if the life or health of Mr. Sheriff Evans was not in any immediate danger, the noble Lord had made out no case for pressing his motion now.

Lord *John Russell* said, that the hon. Gentleman who had just spoken, had correctly represented the usual course of proceeding with prisoners convicted of crime. If a representation was made of life being in danger, it was referred to the surgeon of the gaol; and upon the statement of the surgeon of the gaol that a prisoner's life was in danger, there was no case in which there was not indulgence granted or a remission of the sentence. The hon. Gentleman was also right in stating that they had not similar evidence here. Certainly there was no one that he knew of as an officer of the House, whom they could employ on a similar occasion. He thought the House should now pursue one of two courses. He was ready to agree with one or the other. They should either pursue the course recommended by the hon. Member for Bridport, and have the medical person examined to-morrow, or, what he thought would be for some reasons preferable, the medical person should be now examined, and that his evidence should be taken down. The noble Lord, the Member for Hertford, having stated that the illness was a liver-complaint, and therefore not like a sudden fit requiring immediate relief, the evidence might be printed and taken into consideration to-morrow. It did not seem that the lapse of twenty-four hours could make any very great difference with regard to the sheriff's health. Of the two courses, he thought it better that Mr. Freeman should be called in now, and his evidence taken.

Mr. *O'Connell* said, it must be recollected that this gentleman could obtain his own liberation at any moment, and it would be no disparagement to him to submit to the authority of the House. He thought that such being the state of the case, putting forward the present plea, in the shape in which it was brought before the House, was ludicrous. A man like Vincent, if he could obtain his liberty in the same way, would not hesitate to do so, by the acknowledgment of his offence; but this gentleman need make no such acknowledgment. Let the House be good enough to recollect that one of the last proceedings of the sheriff's had been a perfectly voluntary one against the privileges of the House. There was an attachment in the hands of the coroner, which was not returnable until the 19th of April. It ordered the sheriffs to pay the money in their hands over to Stockdale; and notwithstanding that they might have waited till the 19th of April, they volunteered to pay the money to Stockdale at once, apparently to furnish an argument to their advocates in that House, that having paid the money once, they ought not to be asked to do it again. The only way of enforcing the privileges of the House was by imprisonment. If it was to be got rid of on the allegation of ill-health, by any person who still continued his contempt towards the House, while he knew that his liberation upon submission would be instantaneous, the maintenance of their privileges would be impossible. It was not the House which now detained the sheriff, but his own wilfulness. At the present moment he did not even come forward with a petition. There was no application from him. He did not come forward stating any scruple of conscience, and at the time time representing his ill-health, and leaving his case in the hands of the House. If he understood the noble Lord, he was not even authorised to make the communication which he had made by Mr. Sheriff Evans. The noble Lord got his information from a third party, who volunteered the statement He respectfully submitted to the House that their power of maintaining their privileges was a mockery if they suffered them to be frittered away in this manner.

Viscount *Mahon* was sorry that the plea which he had put forward should appear ludicrous to the hon. and learned Gentleman; but he would venture to say that it would appear so to no other man in the House but himself.

Mr. *O'Connell* submitted that the expression of the noble Lord was not in order. It was certainly exceedingly uncivil.

Viscount *Mahon* had understood the hon. and learned Member to repeat the word ludicrous, and apply it to the proceeding before them. He should now repeat, and the Speaker would correct him if out of order, that he believed such an application would appear ludicrous to no other Member of the House than the hon. and learned Member for Dublin. With respect to the request made by the hon. Member for Bridport, he should only say that he could not consent to any postponement of his motion. He felt that the House should proceed immediately to receive information with regard to the health of the sheriff. With regard to further proceedings, he submitted that they would be in a better state to decide upon the question when they had professional evidence before them. He should, therefore, most certainly persist in his motion.

Mr. *O'Connell,* in explanation, said the noble Lord had totally mistaken his application of the word ludicrous. It occurred to him, that the proposal of the noble Lord was ludicrous, inasmuch as a a third person came forward to make a representation of the sickness of an individual, that individual having it in his power to make that statement himself. He thought the manner was just as ludicrous as the matter, and he was not surprised at it, for it was well known that a more ludicrous individual than the noble Lord was not in that House.

Mr. *Warburton* moved as an amendment, that the further consideration of the question be adjourned till to-morrow.

Sir *M. Wood* said, to his knowledge, Mr. Freeman, Sheriff Evans's medical attendant, had visited him regularly for the last ten days, and he was most anxious that some proposition should be made to the House. He believed that the resolution passed for the relief of the other sheriff was one for which the most substantial grounds existed; that gentleman had since been extremely ill, and been unable to attend to his duties. He knew that Mr. Sheriff Evans was very ill, and for the last few days had been considerably worse. He did not wish to buy his freedom by the payment of 640*l.*, and he hoped the House did not mean to sell it for that sum. The sheriff thought himself justified in all he had done, and he would not bend to the House. He did not come forward to ask relief, because he did not choose to incur the same charges that were made against the other sheriff. He already told the House that if, in the execution of his duty, he had done anything to offend the House, he deeply deplored it. What did the House want of him more? Did they want him to go down on his knees? He hoped and trusted the sheriff never would do so. Instead of being anxious to pay the money, and oppose the wish of that House, he had retained it as long as he possibly could. The coroner had sent the sheriff notice that he had orders to attach him, but why had he not gone and served the notice himself? Why, because he was afraid to do so—he was afraid of being placed in the same situation. It had been proposed to let this inquiry stand over until to-morrow; why was this delay proposed? The gentleman might be dangerously ill, and he knew the medical man felt great anxiety on the subject. He hoped the House would agree to the noble Lord's motion.

Sir *E. Knatchbull* regretted that the hon. Baronet, who had just sat down, had followed the unwise course of the hon. Member for Dublin, in going into the merits of the question. The conduct of the sheriff ought not to be mixed up with the question before the House. He more especially rose for the purpose of noticing the expression of the hon. and learned Member for Dublin, to which he was almost ashamed to advert—the expression used towards his noble Friend, that he was the most ludicrous person in the House. He thought the hon. and learned Member would not be able to satisfy his own mind of the propriety of having used the expression, and he trusted he would offer the explanation which was due to his noble Friend.

Mr. *Hume* said, that the noble Lord had made a charge which affected his hon. and learned Friend's sensibility. No one would refuse to liberate the sheriff if he were in immediate danger; but the question was, whether he ought not to approach the House by petition, or whether he should be liberated on the statement of a Member of the House, who had not seen the sheriff himself, but taken his information from somebody else, and then brought forward the case without notice. He submitted that, after what they had done in the attempt to protect their privileges, and particularly after the observations of his hon. Friend below him (Sir M. Wood), they ought to require a petition from the sheriff.

Sir *Robert Peel* said, that they ought to keep perfectly distinct the consideration of the particular grounds on which this proposal was made, from the general question. There might be some Gentlemen who thought that the sheriff had sufficiently expiated his offence to the House, and was entitled to his discharge. Let that question be distinctly brought forward. But nothing could be more discreditable than to seek to get rid of a supposed difficulty, by pretending to release a sheriff on the score of indisposition, unless they were satisfied of the reality of the plea. He would rather vote for the discharge of the sheriff on the ground of sufficient punishment having been inflicted, than seek to get out of a situation of embarrassment by releasing the sheriff on the ground of indisposition, unless he was satisfied that the indisposition was such as to necessitate the release. But the simple question now was, whether the physician should be examined at once or to-morrow. His noble Friend said, that the medical adviser of the sheriff had reason to believe that not only his health but his life was in danger. That was his noble Friend's statement, and the question being, whether they should examine the medical adviser to-day or to-morrow, he thought it better to examine him at once. When they heard the evidence they might determine whether to release the sheriffs at once, or postpone the question, or decide that there was no ground for release. If they were prepared to examine the medical adviser at all, he certainly would prefer an immediate examination to the postponement. In saying so, he expressed no opinion whatever of the course it might be advisable to pursue when they heard what the examination was. He did not commit himself in the slightest degree as to the course which he would take after hearing the evidence. He was satisfied that the House would administer justice on this occasion, on the same principles on which it would be administered in any other case in which illness was put forth as a reason for remitting punishment.

Mr. *Warburton* was not prepared to examine a medical man, and he believed that very few persons in the House were qualified to do so. He believed the hon. Member for Finsbury was not present. If that hon. Gentleman was disposed to examine the medical man, he ought to have an opportunity, by postponement of the examination till to-morrow. However, he was not disposed to go against the sense of the House, if it was in favour of immediate examination.

Amendment withdrawn, original motion agreed to.

Mr. Freeman called in, and examined. He stated in answer to questions, that he was the medical attendant of Mr. Sheriff Evans, and had seen him professionally that morning. His health was very bad. —His life in danger by further confinement.—He was suffering under a liver complaint, and had been for several years. —He had been accustomed to an active life. He (Mr. Freeman) was a surgeon, and had been the medical attendant of Mr. Sheriff Evans for seven or eight years. —He had been more frequently well than ill.— He had attended him professionally about two or three months before.

Since he prescribed for him some days had elapsed. He takes physic daily; had been taking it about a week or a fortnight. His disease was a liver complaint, and was growing worse under his confinement. His life would be in danger if his imprisonment were continued. The liver had not been enlarged since his confinement. No other medical man had been called in. There was no active inflammation of the liver, nor did he apprehend any immediate inflammation: he did not think that being allowed air and exercise, and then to return to the House of Commons would answer the purpose, as the sheriff's mind was suffering. The sheriff was allowed to take wine, and he occasionally took a glass of sherry. He had not been confined to his bed at all. Sheriff Evans was not aware of his being summoned there to-day, and there had been no communication between them on the subject. The witness was induced, from the circumstances themselves, to make his present representation of the matter, without consulting Mr. Sheriff Evans; he did so because he thought that there would be danger to Mr. Evans in the present confinement. Sheriff Evans could take the air by walking in the cloisters, but he did not say that he took advantage of it, on account of the easterly wind. Witness had desired him to take as much air and exercise as he could; and, considering the weather, he took as much exercise as he could.

Witness withdrew.

Viscount *Mahon* moved that the evidence be printed with the votes, and taken into consideration the next day.

Ordered.

INLAND WAREHOUSING BILL.] Mr *Goulburn*, seeing the President of the Board of Trade in his place, wished to ask him respecting a proceeding which took place at a late hour last night, of which, although the right hon Gentleman had given some explanation to him in private, he thought it was also due to the House that the explanation should be public. The right hon. Member had carried the second reading of the Inland Warehousing Bill, and he had given notice that he should move for a select committee on the general question, to which the bill should be referred. He remained in the House until 10 o'clock at night, but, understanding that the navy estimates were likely to last, he quitted the House. He found, however, that the motion of which he had given notice was moved, and that the names of the Members of the committee to be appointed under that motion were inserted in the votes. Of all the proceedings of an irregular nature which had ever come under his cognisance, this was by far the most irregular; for he was sure the House would see what great injustice would be done, if Gentlemen on one side were to take up notices given by Gentlemen opposite, and to pass them without any discussion. A committee which, in the ordinary course, would have been moved by him, now seemed to have been moved by another person. The right hon Gentleman had told him that he did not intend that the names should be inserted. The hon. Gentleman having made that statement, he was bound to give it most entire credit. He however, complained of the other part of the proceeding—viz., that a motion was made in his absence, without the possibility of his interfering in the settlement of a question in which he took the greatest interest, and which, he believed, had it not been for the notice which he had given, the House would not have been called upon to investigate.

Mr. *Labouchere* observed that the right hon. Gentleman had made two distinct complaints. The first was, that after he had given notice of the appointment of a select committee on the subject of inland bonding warehouses, and had left the House without making the motion, he had taken the liberty of making it for him. Nothing was further from his intention than to do what was unfair. Could he have entertained the smallest doubt of the right hon. Gentleman's acquiescence, he should not have ventured to do it. He had stated that it was of the greatest importance that on an early day an inquiry into this subject should take place. He appealed to Gentlemen opposite whether he did not say to the right hon. Gentleman's friend, "will you have the goodness to move the committee for your right hon. Friend?" The right hon. Gentleman intimated that he could not do it. That was the reason why he did move it. He now came to the circumstance of having put on the votes the list of the names of the committee. He felt that if he had done that he should have acted contrary to the usual courtesy, and contrary to the express understanding which he had come to with the right hon. Gentleman, and therefore, he was most anxious to explain how that was. He assured the right hon. Gentleman that when he saw the votes this morning he was quite as much surprised as he could have been. This was the simple account of the transaction. Talking to the hon. Member for Cheshire on the subject of the committee, he asked for some names which he thought would be proper. He and his hon. Friend each took a list and wrote down the names as they occurred to one or the other. When he left the House he put one list into his pocket, and it appeared that he inadvertently left the other on the table of the House, and after every one had left the House the clerk found this list on the table, and concluding that it was a list which had been given in, inserted it in the votes. Of course he had meant to discuss the list with the right hon. Gentleman. He hoped that, after this explanation, the right hon. Gentleman would be satisfied that he did not mean to act with discourtesy to him.

Subject dropped.

THE CHURCH OF SCOTLAND.] Mr. *Colquhoun* wished to ask the noble Lord a question relating to a matter which was now exciting the greatest interest,—he meant the collision between the civil and ecclesiastical courts of Scotland, which had already led to consequences which every one deplored. Was it the intention of Government, to introduce a measure for the settlement of that question; and, if it was, at what period was it the noble Lord's intention to state the outline of that measure?

Lord *J. Russell:* The question is a very important one, and is under the consideration of Government with the view of taking such measures as may be satisfactory.

Mr. *Colquhoun* said, that an impression had gone abroad that the noble Lord had stated to a deputation from the church of Scotland that it was the intention of her Majesty's Government, at an early period, to announce to the deputation, not only that they would bring in a measure, but what the outlines of that measure might be. Such an impression had unquestionably been received by the deputation. He was now anxious to ascertain if that impression was erroneous, and if her Majesty's Government, having had the question under consideration since last May, had not resolved on the outline of any measure.

Lord *J. Russell* answered that the impression was certainly a mistaken one. What he stated to the deputation was, that Government was endeavouring to frame a measure upon the subject, but that he would not bring forward a measure if Government was not satisfied it would be an effectual measure. If they had not a satisfactory measure to propose, they would state to the deputation that they did not intend to bring forward any measure.

Sir *R. Peel* hoped that as soon as the mind of her Majesty's Government was made up, whether they would or would not introduce a legislative measure, they would make a communication to the House, that the House might be apprised of it at as early a period as any deputation from Scotland could be apprised; because he had understood, and he had answered a number of letters to that effect, that her Majesty's Government did intend the settlement of this question by means of legislative provision, and that therefore, he would suspend his opinion until he had an opportunity of considering the measure they might propose. He now understood that the noble Lord had given no assurance to bring forward a legislative enactment. Of course he was in error in common with many other persons.

Lord *J. Russell* said, that if he intended to bring forward a measure he should be ready to give notice of it, and he would also give the earliest possible information if such was not his intention.

Subject dropped.

THE FACTORY ACT.] — Lord *Ashley* said, that as it had been notified to him by her Majesty's Ministers, that it was not their intention to oppose the motion of which he had given notice, he would not detain the House by any statements. He had so often obtained the indulgence of the House in bringng forward this question, that he would not unnecessarily trespass on their attention. He therefore moved, "That a select committee be appointed to inquire into the operation of the act for the regulation of mills and factories, and to report their opinion thereon to the House."

Mr. *Hindley* was happy to concur in this committee, and he hoped that all persons who were members of it would go into it with a sincere desire that some arrangement might be made satisfactory to all parties.

Motion agreed to.

CASE OF JOHN DILLON.] Sir *F Burdett* rose to move the consideration of the petition of John Dillon, for prize-money, for the capture of a smuggling vessel, which the petitioner alleged, although not actually captured by him, had been taken through his instrumentality. The hon. Baronet referred to the facts of the case,* and contended that justice required particular attention should be paid to the claim of Mr. Dillon. He moved that a select committee be appointed to inquire and report upon the claim of Mr. Dillon.

The *Chancellor of the Exchequer* thought the claimant might much better employ his time than in repeating his attempts, from year to year, to obtain, under such a pretext, public money from the House of Commons. There were not the least grounds for the claim, only made, be it observed, in the year 1829, though the facts on which he founded his claim took place as far back as the year 1822. An inquiry by the proper authorities had been instituted under different Governments, which negatived the claims; it therefore became his duty, as the guardian of the public purse, to oppose the motion.

Mr. *Warburton* thought that the lapse of time between the capture of the vessel and the period when he, on his return from the West Indies, first made his claim, ought not in fairness to be permitted to defeat the justice of his demand.

Sir *F. Burdett* said, the capture of the vessel in question was entirely attributable to Mr. Dillon's attack upon her, and forcing her thereby to take refuge in Kinsale harbour, which ended in the condemnation of the vessel. He should, under the circumstances, conceive it his duty to press his motion to a division.

The House divided;—Ayes 15; Noes 42: Majority 27.

List of the AYES.

Bentinck, Lord G.
Broadley, H.
Butler, hon. Col.
Courtenay, P.
Ellis, J.
Jones J.
Lowther, J. H.
Miles, P. W. S.
Perceval, Col.
Plumptre, J. P.
Pryme, G.
Rae, Sir W.
Rolleston, L.
Round, J.
Vere, Sir C. B.

TELLERS.

Burdett, Sir F.
Warburton, H.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Baines, E.
Baring, F. T.
Bewes, T.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Callaghan, D.
Clay, W.
Craig, W. G.
Davies, Col.
Elliot, hon. J. E.
Finch, F.
Fremantle, Sir T.
Freshfield, J. W.
Gordon, R.
Goulburn, H.
Greg, R H.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hobhouse, T. B.
Hume, J.
Hutton, R.
Knight, H. G.
Labouchere, rt. hon. H.
Lemon, Sir C.
Morpeth, Visct.
Richards, R.
Rickford, W.
Rundle, J.
Russell, Lord J.
Salwey, Col.
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Wood, C.

TELLERS.

Stanley, hon. E. J.
Parker, J.

FIRST FRUITS AND TENTHS.] Mr. *Baines* said, he rose to renew his motion for a Committee of the whole House on the subject of the first fruits and tenths, for the purpose of making those payments more conducive than they had hitherto been to the augmentation of the livings of the poor clergy. Having on a former occasion shown that, from the first institution of these imposts, the payments were made according to their full amount —having shown that this practice prevailed at the time of the Reformation, and that it was enforced by a strict valuation made by order of King Henry VIII—having further shown that in the time of Queen Anne these payments were conferred upon the Church for the benefit of the poor clergy; and having shown that the sanguine expectations that were cherished of the vast advantages that would flow to these laborious mimisters had been entirely frustrated, he should not again go over the ground he had already traversed, but state, as he was empowered to do, upon high legal authority, that the attempt to make the valuation of the livings upon which the first fruits and tenths were paid fixed and invariable, was inconsistent with the letter and the spirit of the

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* Hansard, Vol. xlvii. Third Series, p. 745.

Act of Queen Anne. Without occupying the attention of the House by detailed statements of legal opinions, he might say, that the balance of authority, as far as he could collect it, was decidedly in favour of the claims of those whom it was the intention of the Queen to serve, and that the amount of the increased value of the funds ought to have been applied by the governors of Queen Anne's Bounty to the relief of the poor clergy, whose interests, as faithful guardians, it was their duty to watch over. This was an opinion not entertained by lawyers only, but by the poor clergy, one of whom had sent to him a selected list of the rich livings in various parts of the kingdom, merely as a specimen of others, and from which it appeared that there were thirty-four livings returned by the ecclesiastical commissioners in the year 1835 as of the present value of 64,775*l.* a-year, but which were valued in the Liber Regis, on which the first fruits and tenths were paid, at 1,014*l.* only. Without detaining the attention of the House to go through the list, he would satisfy himself with selecting three of the smallest and three of the largest of these livings, in order to show what was their value at the time of the Reformation; what was their real value at the present time; the sum paid as tenths by the rich clergy to the poor clergy, and the real-tenths which would be due and payable upon the real value of each :—

Name of Living.	Valued at.	Real Value.	Sum paid as Tenths.		Real Tenths.
	£.	£	£.	s.	£
Bibury, Gloucestershire ..	13	1023	1	6	102
All Cannings, Wilts	31	1100	3	2	110
Chelsea, Middlesex	13	1003	1	6	160
Winwick, Lancashire....	102	3616	10	4	361
Stanhope, Durham	67	4842	6	14	484
Doddington, Cambridgesh.	22	7306	1	4	730

But it was not only the benefices, but the ecclesiastical sees, of the payments on which he had to complain; and he should proceed to make a selection, showing the full annual value of four of the bishoprics at the present time, the sum paid as first fruits by each of those bishoprics, and the difference which was withheld from the poor clergy :—

BISHOP.	Full Annual Value.	Paid as First Fruits.	Difference withheld from the Poor Clergy.
	£	£	£
Bishop of London .	13,929	901	13,029
Bishop of Winchester	11,151	2,873	8,278
Bishop of Exeter . .	2,713	450	2,263
Bishop of Worcester	6,569	929	5,640

The injustice that had been done to the poor clergy was felt, not only by the lawyers and divines, but by statesmen also. He should quote the sentiments of a noble Lord, which he was sure would receive due respect from every Gentleman in that House, but particularly from those on the opposite benches. The speech to which he alluded was delivered to his constituents by the noble Lord the Member for North Lancashire, at the last general election, when his Lordship, with his usual energy, declared, that—

"He (Lord Stanley) thought that the pluralities should be reformed, and that the wealth of the Church ought to be appropriated to raise the livings of the poor clergy, instead of being devoted to purposes comparatively useless. He shared this opinion in common with those of every class in society, and one of the first acts of Sir Robert Peel's administration was to issue a commission for the purpose of ascertaining whether, by deducting from the wealth of the large livings and adding to the poorer, the Church would not be placed in a position to be more available for the instruction of the poorer classes of the community."

But though all men agreed, as his Lordship had observed, that pluralities ought to be reformed, that the wealth of the Church ought to be applied to raise the livings of the poor clergy, and that a portion of the income of the rich livings should be added to the poor ones, yet, what was done in this way in the long reign of George 3rd, and during the reign of George 4th? Nothing; absolutely nothing. In confirmation of the assertion of the noble Lord the Member for North Lancashire, he might produce the Report of the Ecclesiastical Commissioners, presented to Parliament in 1835, from which it appeared that there were nearly 2,000 livings under the value of 100*l.* a-year; and yet the persons holding these benefices were required to sustain the rank of gentlemen. The report stood thus :—

"There are in the Established Church of

England and Wales, according to the report of the Ecclesiastical Commissioners—

	11	livings under the value of £10 a-year.
	19	.. from £10 to £20 a-year.
	32	.. 20 to 30 do.
	63	.. 30 to 40 do.
	172	.. 40 to 50 do.
Making ..	297	livings under the value of £50 a-year.
There are	305	livings from £50 to £60 a-year.
	317	.. 60 to 70 do.
	254	.. 70 to 80 do.
	353	.. 80 to 90 do.
	400	.. 90 to 100 do.
Making ..	1629	livings under £100 a-year.
There are	1602	from £100 to £150 a-year.
And ..	1354	100 to 200 a-year.
So that ..	4882	livings are under £200 a-year.

Besides these, there are 5,230 curacies varying from 40*l.* to 160*l.*, and averaging 81*l.* per annum each. From the same authority, it appeared that there were, at the time of the presentation of that report, 5,728 bishoprics, dignities and benefices, varying in value from 200*l.* to 20,000*l.* a year. The scheme which he should submit to the House for the removal of these most glaring irregularities was this:—First, to abolish the first fruits. Second, to exempt all livings under the value of 300*l.* a year from the payment, not only of first-fruits, but also of tenths, after the next avoidance. And third, to render all spiritual dignities and benefices in England and Wales, of the clear value of 300*l.* a year and upwards, liable to the payment of the tenth part of the clear yearly value, after the next avoidance of such spiritual dignity or benefice. The plan recommended by the Select Committee, which sat in the year 1837, of which his hon. Friend the Member for Nottinghamshire, (Mr. Gally Knight) was chairman, and of which he (Mr. Baines) was a member, recommended that all benefices above the annual value of 300*l.* should make a yearly payment for the benefit of the poor clergy, upon the principle of the Irish Church Temporalities Bill, which advanced by a graduated scale from two-and-a-half to fifteen per cent. But he (Mr. Baines) preferred the payment of tenths, partly because it had the sanction of law, and partly because it was of high antiquity, and in its name carried its amount and proportion. His noble Friend, the Secretary for the Colonies, in his Ecclesiastical Duties and Revenues Bill, proposed to apply 130,000*l.* a year on the next avoidance, from the dignities of the deans and chapters to the augmentation of the livings of the poor clergy. But as the operation of this fund would be very gradual, and would carry on the work of augmentation slowly, both the plan of the payment of the tenths, and that of the noble Lord would be necessary to produce the effect that he contemplated; and for this purpose he (Mr. Baines) had entered into calculations to ascertain the sum that would be requisite in order to increase the small livings to 200*l.* a year, and the following was the result of that calculation:—

297 livings, from 10*l.* to 50*l.*, will require . . .	£. 48,315
1629 livings, from 50 to 100 .	. 201,365
1602 do. from 100 to 150 .	. 120,150
1354 do. from 150 to 200 .	. 33,850
	£. 403,680
Deduct sum proposed for augmentation by Lord John Russell's Ecclesiastical Duties and Revenues Bill	. 130,000
Leaving a deficiency of .	£. 273,680

From which it would appear, that the sum of 273,680*l.* a year will be necessary to augment the small livings to the amount of 200*l.* a year each; and for this sum he (Mr. Baines) provided by appropriating the tenth part of the livings from 300*l.* a year and upwards.

The total clear annual revenue of the Church, as appeared from the report of the ecclesiastical commissioners was . . .	£. 3,439,767
Deduct for livings under 300*l.* a year, not chargeable	. 1,036,844
	2,402,923
The tenths on which amount to	£. 240,292

to be augmented by the excess of tithe commutations over the amounts returned by the ecclesiastical commissioners, which was very considerable, and swelled the revenue of the Church, represented at 3,439,000*l.* to 5,000,000*l.* Having laid these statements before the House, he should, for the present, satisfy himself with moving the following resolution, which he confidently hoped would receive the sanction of the House.

“That this House do now resolve itself into a committee of the whole House, to take into consideration the propriety of abolishing the first fruits of the revenues of the Church, and rendering the tenths conducive to the more efficient augmentation of the maintenance of the poor clergy."

Mr. *G. Knight* said, that in rising to second this motion, he trusted it was superfluous to state, that he was not actuated by any feelings hostile to the Church, but, on the contrary, by an earnest wish for her welfare. He desired to see an alteration take place, for two reasons—the condition of the poor livings, and the injustice, he had almost said the absurdity, of the distribution of the present impost. As a proof of the necessities of the poor livings, he would only state, that to augment the small livings with the population of 300 and upwards, so that their incomes shall range from 150*l.* to 400*l.* a-year, according to the number of inhabitants, would require an additional sum of 276,691*l.* a-year, whilst to augment all the small livings to 300*l.* a-year (no extravagant allowance for a man who had to live respectably, and bring up a family) would take a much larger sum. From this it was evident that no plan which was already before the House, would provide a remedy. But it was not on this ground alone that he advocated the present inquiry. He advocated it fully as much on the ground of the capricious distribution of the existing impost. With respect to the existing state of the law on this subject, he must say, that it appeared to him to favour the inquiry, for according to the last statute passed on this subject, the 1st of Geo. 1st. c. 10, bishops were directed to inform themselves, from time to time, of the true, clear, improved annual value of every benefice in their respective dioceses, and to certify the same to the Govenors of Queen Anne's Bounty, with a view to the more speedy augmentation of the poor livings. But even admitting that, as the law now stood, first fruits and tenths were only to be exacted in such proportions and from such parties as at present it would not be disputed that Parliament had the right to interfere, and the rather, because Parliament had, more than once, interfered on this subject already. In the reign of Henry 8th, in that of Anne, in that of Geo. 1st, and after the lapse of a century, it could scarcely be said, that it was too early a period to review the subject again, or that revisions at such a distance of time need excite a just apprehension of frequent and vexatious exactions. Nor let it be said, that we had any innovation in view. Let it not be said, for it could not be said with truth, that we were seeking, for the first time, to tax the clergy. The tax already existed—the clergy were taxed already—but they were taxed unequally. The tax, in its present shape, possessed the worst defects by which a tax could be accompanied—it was unequal, and it was unproductive. By the Act of Anne, all livings of, or under, the value of 50*l.* a-year, were exempted from the payment of tenths, and livings above that value were to continue to pay first fruits and tenths, according to the valuation taken in the time of Henry 8th. He need not detain the House by pointing out the immense difference between the value of livings in the time of Henry 8th, and their actual value, or the consequent little proportions which the tenths bore to the real value of the tenths. But the House would do well to consider how infinitely above the mark of exemption most of the 50*l.* livings of Queen Anne's time were now; and also in what different degrees the circumstances of different livings had been effected. The 50*l.* livings of Queen Anne varied at this time from 300*l.* a-year to 800*l.*, and even 1,000*l.*; none of these paid tenths: but all livings had not been affected alike, and thus it might happen, that livings of inferior value paid, whilst many of high value were exempt. Altogether, out of 10,498 benefices, with or without cure of souls, only 4,808 remained liable to the payments of tenths, and that, as he had said before, according to their value in the time of Henry 8th. The consequence was, that the fund which was devoted by Queen Anne to the augmentation of small livings did not exceed 14,000*l.* a-year; and nothing could more fully demonstrate how inadequate this fund was to its object, and how slowly it advanced that object, than the present state of the livings it was meant to improve. After the lapse of a century, notwithstanding the additional aid of large Parliamentary grants and private benefactions, the fund arising from tenths, though it had done much good, had not been able to effect nearly as much as they all desired. He frankly owned that he had two objects greatly at heart — 1st, to augment the small livings so as to secure a resident clergy; 2nd, to provide a permanent fund for the erection of new churches. It was no part of his scheme to pull down the large livings for the sake of producing an equality, which, for many reasons, he thought undesirable. There were various modes by which the payment of tenths could be more equitably arranged. The strict interpretation of the letter would exact from each living the tenth of its actual value. But he had nothing of so stringent a nature in view. A more equitable distribution of the impost was his chief aim. He entirely concurred with the hon. Member for Leeds in the propriety of altogether abolishing first fruits, which were always severely felt. The moment of entering upon a living was not the moment when an extraordinary payment should be demanded. They equally proposed that no change should take place during the lives of the present incumbents. They equally proposed that all benefices of or below the value of 300*l.* a-year should be exempt from the payment of first fruits and tenths. They equally proposed that all benefices above the value of 300*l.* a-year should, on the next avoidance, become liable to the payment of tenths, and not according to their value in the King's books, but according to the valuation taken in 1831. The amount of the tax was the next question, whether it should be uniform or graduated. The principle adopted in the case of the Irish livings was a graduated scale, beginning at 2*l.* 10*s.* per cent. on livings of 300*l.* a-year, and gradually augmenting to 12*l.* 12*s.* per cent on livings of 1,000*l.* a-year and upwards. Another proposal was, that livings above 300*l.* a-year and under 500*l.* should pay five per cent.; above 500*l.* and under 800*l.*, seven per cent.; above 800*l.* and under 1,200*l.*, ten per cent.; and above 1,200*l.*, fifteen per cent. Both these propositions appeared to him to be too severe. He repeated, he had no wish to interfere with the principle of inequality in the incomes of the clergy. He thought it better that there should be different degrees in the Church, as in other professions. He thought it was useful that there should be attractive prizes in the ecclesiastical lottery. If all paid, he should be satisfied if all paid alike; and he should wish the payment to be so moderate as neither to be oppressive to the smaller livings nor to the larger. Upon the whole, therefore, he would be satisfied if three per cent. were exacted from all benefices above 300*l.* a-year, according to the valuation taken in 1831. Moderate as this tax would be, it would still produce a considerable sum, infinitely more than was raised at present. First fruits and tenths now produced only 1,400*l.* a-year; three per cent. on all benefices above 300*l.* a-year, would produce rather more than 65,000*l.* a-year, which would at least augment the poor livings in a much more rapid ratio. He should commit the distribution of this sum to the board of Queen Anne's Bounty. They would be just as equal to the distribution of the larger as of the smaller sum. He had every reason to believe that the board worked well, and by continuing the trust in the same honourable hands, they would avoid the expense of salaried commissioners. It might be objected, that, by this new arrangement of the tax, they would interfere with the value of property, by augmenting the value of benefices below 300*l.* a-year, and diminishing, in some degree, the value of those above that mark. It could not be denied that this would be the case. But where the spiritual instruction of the people was concerned, he looked upon this objection as a secondary consideration. Advowsons, above all things, partook of the nature of a trust, and might be justly submitted to such regulations as would best carry the object of so sacred a trust into effect. He had now, he thought, left nothing unexplained that he wished to propose. He thanked the House for their indulgence, and he earnestly hoped that the House would consent to go into committee on the subject. The object of the committee would be inquiry: in committee any plan might be adopted which the House in its wisdom preferred; but the inquiry should be entertained to meet the general and reasonable wish for a resident clergy, and, in some measure, to supply the deficiency of spiritual instruction to the people.

Mr. *Goulburn* would not detain the House with many observations on a subject which had so frequently been discussed, and on which so many much more able to form a correct opinion had pronounced against the scheme of the hon. Member for Leeds. The first fruits were really a Popish imposition, and the Pope, like the hon. Gentleman, finding the income very small, and desiring to make it much more productive, attempted to raise what he called the whole value of the first fruits. The Parliament of this country protested against that proposition, even in Roman Catholic times. He contended that the proposition of the hon. Member for Leeds was not in accordance with the law of the land; and it was also objectionable in principle, as it would fix a tax on a particlar class of individuals exclusively. He certainly did not wish to see established that perfect equality in the incomes of the members of the Church which the hon. Member for Leeds desired. Such an equality would be inconsistent with the general circumstances of the country, and might operate upon young men, when choosing their profession, as a reason for avoiding that of the Church.

Lord *J. Russell* would state shortly his reasons for not agreeing to the motion of the hon. Member for Leeds. He concurred with the right hon. Gentleman opposite in his statement that the value of the first fruits was a fixed and certain sum; and, therefore, if any alteration was now to be made, it must be in the shape of a new tax on the income of the clergy. He did not, however, go along with the right hon. Gentleman in thinking that it would be either unjust or impolitic to tax the richer living for the benefit of the poorer clergy, provided the enforced payment was not exorbitant or oppressive. But as it would be in fact a new tax, which on principle was objectionable to many, and unpalatable, as he understood, not merely to the holders of rich livings, but to the general body of the clergy, he did not think it advisable to enter on the subject in the manner proposed by the hon. Member for Leeds. He thought such a proposition, if made at all, should be brought forward by the Government, after fair notice had been given to the general body of the clergy, so that they might be prepared to state their reasons either for supporting or opposing it. Under these circumstances, he could not give his consent to the present motion, which he thought it was the more inexpedient now to discuss, as other measures would be taken into consideration by Parliament for augmenting small livings by deductions from the larger, and for the increase of spiritual aid in places where at present there existed a spiritual want.

Mr. *Harcourt Vernon* begged to say a few words in consequence of an expression which had fallen from the hon. Member for Leeds. The hon. Member had stated that the Bishops and High Dignitaries of the Church had violated their duties in not attending to the poor in the administration of Queen Ann's bounty. He would tell that hon. Member that the Bishops, as Governors of Queen Anne's bounty, had no more power of assigning a shilling to the poor than the hon. Gentleman himself, and the mistake into which the hon. Member had fallen could only be attributed to his incapability of understanding a plain Act of Parliament. The object of the whole speech of the hon. Member appeared only to be to throw obloquy on the clergy. The question had been so often discussed that he would not trouble the House further.

Mr. *Horsman* must protest against the doctrine that it was necessary to maintain an inequality of livings in order to induce educated gentlemen to enter into the Church—thus making a mere speculation of the holy ministry. In Scotland the clergy performed their duties in a most exemplary manner, without any of those prizes to look forward to. He thought the doctrine laid down was a most dangerous one, for if men only could be goaded on to the performance of their duty by the hope of gaining these prizes when they attained to those places, where increased attention was necessary, having no more prizes to look for, their zeal of course cooled. It was an unfortunate doctrine, and one that would be well used in the mouths of the worst enemies of the Church.

Mr. *A. White* could not agree with the doctrine laid down by the right hon. the Member for the University of Cambridge. The gross inequalities now existing in the livings of the Church must lead to the degradation of the Church in the eyes of the people. The curates were disgracefully paid, many of them not receiving so much as a gentleman's butler, although they must be educated men. He would cordially give his support to the Motion of the hon. Member for Leeds, who, he thought, deserved the thanks of the country for his perseverance upon this important question.

Mr. *Baines* replied. He could assure the hon. Member for Bassetlaw, or any other hon. Member, that he would perform his duty fearlessly in that House, notwithstanding the sneers he might be met with as to his being a Dissenter. Whether Dissenter or Churchman, all were equal in that House; and he would pursue his course unmindful of all such insinuations. He would not be restrained from the free exercise of his judgment upon any matter before the House. His noble Friend and the hon. Member opposite argued on the law of the question, but there were high authorities against them. Lord Eldon was against them, so also was Mr. Agar, Queen's Counsel, and Sir John Newport. Lord Plunket is against us, so also was Lord Grey; but it was evident that he spoke without information upon the subject, for he said that there was an Act of Parliament which prevented the re-valuation of the benefices. He was quite sure the noble Lord had been misled, for there really was no such act. The Statute of Anne provided that all doubts should be construed in favour of the poor clergy, but had that ever been done? His objects had been misconceived—he wished that no minister should have less than 200*l.*, but he never for a moment proposed to bring down the Archbishops of Canterbury and York to an equality.

The House divided—Ayes 38; Noes 17: Majority 21.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Barnard, E. G.
Bewes, T.
Busfield, W.
Butler, Colonel
Collier, J.
Currey, Mr. Sergeant
Davies, Colonel
Finch, F.
Greg, R. H.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Horsman, E.
Hume, J.
Humphrey, J.
James, W.
Lushington, C.
Marshall, W.
Muskett, G.A.
O'Connell, D.
Pryme, G.
Rickford, W.
Rundle, J.
Salwey, Col.
Stansfield, W. R. C.
Stuart, J.
Strickland, Sir G.
Thornely, T.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Wood, B.

TELLERS.
Baines, E.
Knight, Gally

List of the NOES.

Acland, T. D.
Bell, M.
Brodie, W. B.
Goulburn, H.
Hodgson, R.
Macaulay, T. B.
Morpeth, Visc.
Perceval, Col.
Pigot, D. R.
Plumptre, J. P.
Pusey, P.
Russell, Lord J.
Sibthorp, Col.
Sutton, J. H.
Vere, Sir C. B.
Vernon, G. H.
Wood, Col. T.

TELLERS.
Gordon, R.
Freshfield, J.

Mr. *Baines* moved, that it is expedient to make provision for the abolition of the first fruits and tenths, as at present enforced in England and Wales, after the next accordance, and to levy an annual one-tenth of the clear annual value upon all archbishoprics, bishoprics, and upon all dignities benefices and other spiritual promotions above the clear yearly value of 300*l.* to be applied in the first instance to the augmentation of the maintenance of the poor clergy, and afterwards to building, and rebuilding of churches, and such other purposes as may be conducive to the interests of religion.

Mr. *Goulburn* might make a long speech against the motion, but as he could not hope to reduce the number from thirty-eight, he would defer it till another opportunity.

Mr. Alderman Humphrey hoped the sum would be fixed at 500*l.*, he thought 300*l.* too low.—Motion agreed to.

Chairman directed to move the House that leave be given to bring in a bill pursuant to the same resolution.—House resumed.

MUNICIPAL CORPORATIONS (IRELAND).—The Municipal Corporations (Ireland) Bill was recommitted.

Colonel *Perceval* moved, as an amendment on the 101st clause, the omission of the words "no other officer, other than such as has usually been appointed," for the purpose of preventing the wasteful expenditure of money in boroughs, by preserving a controlling power in the hands of the Lord-lieutenant.

Viscount *Morpeth* opposed the motion, as tending to throw suspicion on the motives and characters of the individuals to be elected by the new corporation. He considered that the bill as it now stood, provided a sufficient check against an extravagant appropriation of the corporate funds, and he objected to the amendment therefore, on the ground that it was as unnecessary as it was offensive.

Mr. *Goulburn* could not see that the amendment of his hon. Friend threw any greater light of suspicion upon the officers to be elected, than the clause itself, which provided various checks; and he agreed in the propriety of giving the Government a control over any extravagant application of the public money. The liberality of people in Ireland was such, that they were always more disposed to err on the side of extravagance, than on that of economy.

Colonel *Perceval* said, that his only object was to place the salaries appropriated under the new bill, under the controul of the Lord-lieutenant.

Mr. *Pigot* said, that the effect of this amendment was to prevent the new corporations from re-appointing any of the old officers, or appropriating their salaries without the approval of the Lord-lieutenant; so that the appointment of every officer who had been appointed from the granting of the charter to the present time, would have to be brought under the consideration of the Lord-lieutenant and the Council. In his opinion, the amendment was not merely unnecessary and offensive, but it was calculated to do away with all the benefit of the measure.

Amendment negatived.

Mr. *O'Connell* moved, the introduction of a clause after the 207th clause. The principle of compensation was admitted by the bill, which gave the new corporations the power of removing any officer they thought fit; but, in case of such removal, required them to give compensation to the party removed. But another course might be pursued; the new corporations might harass and annoy parties who now held corporate offices to a great extent, for the existing officers of corporations were those who had been the strongest supporters of one party, and had in proportion irritated the other party. He proposed, therefore, to give those officers the power of resigning within three months after the first election of councillors; and that, if they chose to resign within that period, they should not go without compensation. The hon. and learned Member then moved such a clause.

Colonel *Verner* hoped, that this clause would receive the sanction of the Government. It was quite certain that the effect of this bill would be to transfer the corporation of Dublin from the hands of one party to those of another. One individual had held an office in that corporation for fifty years, and it would be a great hardship if he were not permitted to retire and receive compensation.

Colonel *Perceval* supported the clause. It proved the truth of what he had stated, that this bill would transfer the Irish corporations from one party to another.

Mr. *O'Connell* said, the transfer would be from a limited number to the citizens at large.

Lord *John Russell* said, it seems that there is a much better understanding between the hon. and learned Gentleman, and the hon. Gentlemen opposite upon the subject of this amendment, than there is between him and the Government, for I feel great difficulty about the clause. In the first place, it seems to take for granted that there will be in most cases such an entire difference between the parties holding offices in the new corporations and the existing officers; but besides that, in the next place, the clause appears to be calculated to lead to some agreement or bargain between the different parties in the corporations, by which large compensation will be given to particular persons, in order to obtain the appointment to the offices which they hold; so that a great additional expense will be imposed upon the inhabitants. I think the clause is liable to that interpretation, and that it will necessarily lead to the introduction of other clauses, and I therefore am not prepared to agree to it.

Clause negatived.

Mr. *O'Connell* hoped, that the Government would not resist the next clause. They had admitted the claims of Mr. Dickinson and of the Sword Bearer and Marshal of Dublin to compensation, and the four junior aldermen of that city, had precisely the same claim. The Lord Mayor was allowed a compensation for his expectancy of the office of president of the Court of Conscience; and each of the four junior aldermen would in rotation become Lord Mayor, as certainly as the present Lord Mayor would become president of the Court of Conscience, if this bill were not to pass. The office of alderman, too, was one of considerable dignity; and that was taken from them by this bill. The compensation would come out of the funds of the corporation, so that the public would lose nothing, and this clause proposed what was only an act of justice to those individuals. He begged to move a compensation clause.

Colonel *Verner* considered it useless to press the amendment. The Government appeared determined to resist every amendment; and it was because he felt sure that they would do so, that he had opposed the second reading.

Colonel *Perceval* said, the argument of the noble Lord on the last clause, did not apply to this. Men underwent considerable expense in order to arrive at the station which he had now, for the first time, heard the hon. and learned Member for Dublin describe as an honourable situation. They must have served the office of sheriff, or paid a fine of 400*l.* or 500*l.*

Mr. *Pigot* said, that the claim now put forward, admitted of considerations quite different from those which affected the other cases to which the hon. and learned Member for Dublin had alluded, and in which it clearly appeared that the parties had an insurable interest in the offices which they held. The Government, after much consideration, had determined to accede to the clause under certain limitations. He proposed to amend the clause by providing that it should be lawful for the town council to grant such sum by way of compensation to the four junior aldermen of the city of Dublin as to the town council or to the Lords Commissioners of the Treasury should seem fit; but with this further limitation, that in case they should have received or acquired a title to any sum or benefit which ought justly to be taken into account in estimating such compensation, then such sum or benefit should be considered as extinguishing their claim or diminishing its amount.

Mr. *O'Connell* wished to know, whether it was intended by that clause to give the aldermen an appeal to the commissioners of the Treasury? [Mr. *Pigot*: "Yes."] If that were so, he did not know that he could quarrel with that limitation; but he was afraid of the generality of the terms in the latter proviso—was it confined to pecuniary benefit?

Mr. *Hutton* conceived, that the aldermen had no claim whatever, and therefore he should oppose the motion, however amended, and divide the committee.

The Committee divided: Ayes 30; Noes 10: Majority 20.

List of the Ayes.

Archbold, R.
Barnard, E. G.
Blandford, Marq. of
Brodie, W. B.
Browne, R. D.
Busfield, W.
Dunbar, G.
Gordon, R.
Hodgson, R.
Holland, R.
Howard, Sir R.
Hume, J.
Lushington, C.
Morpeth, Viscount
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Perceval, Colonel
Plumptre, J. P.
Russell, Lord J.
Somers, J. P.
Somerville, Sir W. M.
Stock, Doctor
Sutton, hon. J.H.T.M.
Turner, W.
Verner, Colonel
Wallace, R.
Wood, Sir M.
Wood, B.
Wyse, T.

TELLERS.
Pigot, D. R.
Curry, Sergeant

List of the Noes.

Ellis, W.
Hawes, B.
Hobhouse, T. B.
James, W.
Marshall, W.
Scholefield, J.
Thornely, T.
Vigors, N. A.
Wakley, T.
Wood, G. W.

TELLERS.
Hutton, R.
Strutt, E.

House resumed. Bill as amended, reported.

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HOUSE OF COMMONS,

Wednesday, March 4, 1840.

Minutes.] Bills. Read a first time:—Right of Voting (Scotland); New Zealand Company.

Petitions presented. By Messrs. J. E. Vivian, W. Smith, and Captain Polhill, from several places, for Church Extension.—By Messrs. Grey, Baines, and the Attorney-General, from several places, for the Total and Immediate Repeal of the Corn-laws.—By Mr. Dugdale, from Warwickshire, for Amending the Poor-laws.—By Sir J. Seale, from Dartmouth, for Upholding the Privileges of the House.—By Mr. Parke, from Leicester, for the Liberation of Sheriff Evans; from one place, against the War with China, and the Opium Trade.—By Dr. Lushington, from the Mariners Church, for Relief to destitute Seamen; from Moredon College, against the Ecclesiastical Courts.—By Sir W. James, from the Hull Chamber of Commerce, against the Inland Warehousing Bill.—By Mr. Brotherton, from Manchester, and other places, for Inquiry into the Factory system.—By Mr. J. O'Connell, from three places, for Corporate Reform, and an Increase of the Franchise in Ireland.—By Mr. Bannerman, from Aberdeen, in favour of Non-Intrusion.—By Mr G. Berkeley, from Cheltenham, against the Delays in the Court of Chancery.

Mr. Sheriff Evans.] Viscount *Mahon* wished to make a communication to the House relative to the case which he had brought under their consideration yesterday. He had been informed, that Mr. Freeman had felt it desirable to obtain the benefit of another medical opinion, and that Mr. Sheriff Evans had that day received a professional visit from Dr. Chambers, who was now in attendance. If, therefore, it was the pleasure of the House to examine that gentleman, he would move that he should be called in. He had not himself seen Dr. Chambers, but he could not avoid feeling, that Dr. Chambers might be able to furnish the House with important evidence. He had brought this question before the House only at the request of the medical gentleman who was examined yesterday, of whom he had received a very high character, and he had no other object in making the application which he had laid before the House, than to put the House in possession of the real facts of the case. He would now move, therefore, that Dr. Chambers be called in and examined at the bar.

Lord *J. Russell* thought there was no necessity for this proceeding. It appeared to him, that the evidence which had been taken yesterday was fully sufficient to enable the House to decide upon the merits of the question brought forward by the noble Lord. He certainly was not previously acquainted with the name of Mr. Freeman, but he was told, that he was a gentleman of known professional experience. That gentleman had yesterday stated various circumstances showing, undoubtedly, that Mr. Sheriff Evans was afflicted with indisposition. Nothing, however, had been stated to show that his life would be placed in any immediate danger by further confinement, nor had any thing been stated to justify the extraordinary step which the House had been called upon to take by ordering his release. Besides what he thought the conclusive evidence which had been given in that House, further evidence was afforded of the impropriety of releasing the sheriff on the score of ill health, by an advertisement which had appeared in the newspapers, in which that gentleman stated, that he was quite ready to go down at once and canvass the electors of Lewes. He feared, that if the House were to go any further into the circumstances of the case, no ground would be shown for his release, and therefore, that the inquiry could be injurious to that gentleman. He must say, that he did not think the House could order his release upon the grounds which had been stated, without compromising its privileges, and for his own part, he saw no reason for going any further.

Sir *R. Inglis* said, that when he heard the noble Lord objecting to the motion that Dr. Chambers be called in, he thought the natural and necessary consequence would be, that the noble Lord would advise that Mr. Sheriff Evans should be immediately discharged. But the noble Lord says, "I am satisfied from the evidence, that the party is not in a state in which he ought to be discharged. We ought to keep him longer in confinement. It is true that we have evidence that he is growing worse under confinement. It is true that we have evidence in answer to another question, that his life would be in immediate danger from further confinement. I admit all this, but I know that his life is in no danger from longer confinement, and I will therefore oppose his release." Such was the noble Lord's language; but he thought from the evidence, that the noble Lord would be justified in saying, "I want no further evidence—I give way to natural feeling, and consent to his release." He was certain that it was not in the nature of the noble Lord to act with harshness towards any one, and he thought that he ought to seek to make an opportunity, if it were possible consistently with his sense of honour, of releasing the sheriff. Yet, though in answer to another question, the medical attendant declared that he was "prepared to state that Mr. Sheriff Evans's danger will be increased by every day's additional confinement;" the noble Lord thought it consistent with his position to assign as a reason for resisting a motion, not for the release of Mr. Sheriff Evans, but for the examination of a physician respecting the state of his health, that an advertisement had appeared in the papers of this day, that Mr. Sheriff Evans was about to canvass the electors of Lewes. But he wished to ask, had the noble Lord read that advertisement? For if he had, he must have forgotten or misunderstood it. The terms of it were, that, being a prisoner, he could not personally seek their suffrages; but that, if he should be elected, and thereby restored to his personal liberty, he would be prepared to support the best interests, rights, and liberties of the electors. He did not state that he would go down, for he knew that their "tyrant majority" would prevent him; but he considered, that if he should be returned, he would be entitled to his release, on the authority of the precedent, in the case of "Robert Christie Burton, of Beverley," who, under similar circumstances, was brought up and discharged by the Speaker. The noble Lord might have consistently resisted the motion of his noble Friend, if he had said that the evidence proved that Mr. Sheriff Evans's life was not in danger; but how could he, on the ground that he was not satisfied with this evidence, refuse to receive the evidence of another medical gentleman? The noble Lord stated, that he had learned that Mr.

Freeman was a person of eminence in his profession, and he should therefore be the more disposed to act on his opinion. He was prepared to save the House further trouble in these continual discussions, and he should therefore move that Mr. Sheriff Evans be forthwith discharged. He was satisfied that there were ample grounds in the evidence for discharging Mr. Evans. But if this should be opposed, he thought the most consistent course for the House, would be to call in the medical man at once. To this at least he hoped there would be no objection.

Mr. *Goring* had that morning seen Mr. Sheriff Evans, and he could state that Mr. Freeman had not communicated to the sheriff his intention of making an application for his discharge, but had made it on his own judgment of what he deemed right and necessary for the preservation of that gentleman's life. There was now another medical gentleman in attendance, who, if called to the bar, would give his opinion to the House. He would not, however, allow the House to suppose that Mr. Sheriff Evans had altered, or was at all likely to alter, the opinion which he conscientiously held. He did not brave the House, he respected it, as every British freeman did, but having formed the opinion that the law of the land was supreme, he was sure, that whatever course the House might take, Mr. Evans would never give way one inch.

> "Justum et tenacem propositi virum,
> Non civium ardor prava jubentium,
> Non vultis instantis tyranni,
> Mente quatit solida."

Mr. *Milnes* remarked, that if the surgeon had yesterday been of opinion that the sheriff's life was really in danger, Dr. Chambers should have been called in before. He could not but think that his noble Friend (Lord Mahon) was premature in bringing forward the present motion, which hardly consulted the dignity of the sheriff. These appeals *ad misericordiam* ought not to have been made. There was no possible indulgence which the House had not allowed him, nor was there any possible objection to any enlargement which the House thought proper to give. At the same time, he thought that no case whatever had been made out for his immediate liberation. Such a course would stultify all the proceedings of the House up to the present time.

Sir *A. Dalrymple* did not think, that the dignity of the House would be at all impaired by calling for further evidence. He had enjoyed an opportunity of sitting near the bar yesterday, and of seeing the manner in which the examination of the medical gentleman had taken place, and he had therefore taken the liberty of inquiring whether Mr. Freeman had much practice, and he found that he was much in repute. He understood that gentleman to have come forward, thinking that the life of his patient would be endangered by further confinement, and he therefore thought that it was not beneath the dignity of the House to inquire whether such was the case. After the examination of last night, he thought that Mr. Freeman, out of a regard for his own character, was justified in calling in another practitioner.

Mr. *Lambton* wished to ask the noble Lord, the Member for Hertford, whether, when he made the motion which he brought before the House yesterday, he was aware that Mr. Sheriff Evans was going to offer himself as a candidate for Lewes, and whether, as we understood, the noble Lord had ever seen the address of that gentleman in any other form than that in which it now appeared?

Viscount *Mahon* would answer both the questions of the hon. Member most readily. The only intimation which he had received of the sheriff's intentions was by reading his address in *The Times* newspaper of that morning, and he did not know whether that address was an authentic document or not.

Sir *R. Peel* wished to act in this matter as far as was possible in a judicial manner. He had expected that the subject on which he should have had to decide that night was the question, whether the evidence which had been already given at the bar was sufficient to induce him to liberate the sheriff. He had given every attention to that evidence, and he had come to the House to discharge the painful duty of saying, that in his opinion, the sheriff was not entitled to his liberation. Unexpectedly, he found himself called upon to decide another question, whether Dr. Chambers should be called in? Now, considering that the House had on two former occasions, in the case of Mr. Sheriff Wheelton, and yesterday in the case of Mr. Sheriff Evans, permitted evidence to be given of the state of their health, considering that a professional opinion had already been given, and that the case was rather of a medical than a surgical nature, he thought that the House must also hear the evidence of Dr. Chambers. Having already stated the decision at which his mind had arrived, after reading the evidence which had been given by Mr. Freeman, he could only say, that if the evidence of Dr. Chambers should be of a similar import, he should be prepared to act upon that decision; but supposing the evidence of Dr. Chambers could show that the health of Mr. Sheriff Evans was seriously endangered, then he should regret, and he was sure the House would also regret, any course which would lead to the rejection of his evidence.

Colonel *Salwey* observed, that the hon. Baronet, the Member for the University of Oxford, was very fond of attributing a want of sympathy to hon. Members on the Ministerial side of the House, and of talking about a tyrant majority. He did not observe, however, any sympathy manifested on the opposite side for John Thorogood, who was imprisoned for not paying church-rates by a tyrant church.

Dr. *Nicholl* remarked, that the extraordinary sympathy displayed by the hon. Member for John Thorogood might be accounted for by the fact, that the hon. Member was himself the defendant in a suit for the subtraction of church-rates, and that, as far as he was informed, the hon. Member had not the slightest chance of succeeding in it.

Lord *J. Russell* said, that rather than the House should go to a division on this question, he would accede to the motion; but he was at the same time ready to declare, as he did before, that his opinion was against calling in Dr. Chambers. He thought it, however, very desirable that the House should not divide.

Dr. Chambers called in and examined. He stated, that he had been called in professionally to visit Mr. Sheriff Evans, and that he had seen him for the first time that morning. Mr. Evans was obviously labouring under ill health; his whole appearance showed it. His ill health appeared to arise from the very imperfect state of his digestive organs. He had an unhealthy aspect of body; he was fat, bilious-looking, and gouty. He understood that Mr. Evans had suffered from several severe fits of gout. He thought that his health might be seriously deteriorated by further confinement. The disorders to which he was subject might terminate in absolute disease; for instance, if indigestion continued for a length of time, the liver became disordered, and subsequently diseased, and they all knew that dropsy and all the dangers of dropsy were the result of this.

Dr. Chambers withdrew.

Viscount *Mahon* said, the evidence which had now been received at the bar of the House tended to show that a further continuance of the confinement of Mr. Sheriff Evans might convert into a dangerous disease the present defective state of health of that gentleman. He considered the statements of Dr. Chambers to be, therefore, in corroboration and confirmation of the evidence which the House received on the previous day. He could not believe that the House would incur the responsibility of any danger arising even to the health, much less to the life, of any person whom it had committed into custody; and under these circumstances, and feeling that he should not exceed the grounds furnished by the evidence which had been offered, he would now move, that in consideration of the evidence given by Mr. Joseph Freeman, surgeon, and Dr. W. Chambers, physician, Mr. Sheriff Evans be forthwith discharged from the custody of the Sergeant-at-Arms.

Mr. *Kelly* begged to second the motion. He could not but view the evidence given on the previous night, as well as on that evening, as entitled to the very gravest consideration. It was stated by Mr. Freeman, that he believed if Mr. Sheriff Evans were confined longer, his life would be endangered. Now, the probability was, that Mr. Freeman was not so well known to several Members of that House as the very eminent physician who was last called in. He felt bound to say concerning Mr. Freeman, that he knew him to be a gentleman of extensive practice, and of eminence in that practice. His declaration, that any continuance of the imprisonment of the sheriff, would be prejudicial to the health, had been substantially confirmed by Dr. Chambers. If the House then was satisfied that under prolonged confinement that which was now only a disorder or derangement of the bodily functions would be converted into a permanent disease, and therefore, have a tendency to shorten his life, he asked whether the House, under the circumstances in which it was placed with respect to Mr. Sheriff Evans, would feel itself justified in longer detaining him? He submitted, that this was not a case in which further detention was necessary to the maintenance of the dignity of the

House. If it had been necessary that he should be taken into custody and punished by imprisonment to vindicate the privileges of the House, so far the dignity of the House had been upheld. Both the sheriffs had been put into custody by the House, and kept for some considerable time in imprisonment, and the question now was, not whether any person should be so arrested and imprisoned, but whether the prolonged imprisonment of one already so treated, was necessary to the maintenance of the dignity of the House under the circumstances of the case? If any other step was necessary, it could only be the imprisonment of some other person who had committed himself as well as Mr. Sheriff Evans. But, seeing that he had been guilty of no moral offence, having acted in what he believed to be, perhaps erroneously, the proper performance of his duty, and that he had now been kept in custody for six weeks, he would put it to the humanity, to the honour, and to the good sense, of the House, whether anything that was required for the maintenance of the dignity of the House rendered it necessary to detain him one moment longer? He had heard with pain, an observation made by the noble Lord opposite, respecting an advertisement which had appeared in a morning paper. He did not know that the advertisement was genuine. It might be so; and if it were so, he would readily admit, that if Mr. Sheriff Evans was in a condition to go and canvass a constituency, his state of health could not be such as to entitle him to be discharged, supposing his imprisonment under the order of the House, to be just. But the advertisement might not be genuine, and he could see nothing in it which shewed that the bodily health of Mr. Sheriff Evans was such as to enable him to go and canvass the electors of a borough. There was, therefore, nothing in that to break in upon the evidence of the respectable medical gentlemen who had appeared at the bar of the House. As it seemed, then, that if Mr. Sheriff Evans were longer confined, he would probably be thrown into a state of indisposition, that would seriously threaten his life, he hoped no hon. Gentleman in that House would feel called upon by any view of his public duty to prolong the imprisonment of the sheriff, not only to the augmentation of his bodily suffering, but to the risk of his existence. He should take a different view of the case if he thought the privileges of the House would suffer by the release of the sheriff, or that his further detention was at all necessary to the maintenance of the dignity of the House. But, feeling that there was no individual in that House, who, if he became a party to the extended imprisonment of Mr. Evans, might not hereafter feel in his conscience, that he had aided in destroying the life of an individual, who, all were agreed, had behaved fairly and honourably according to his own sense of duty, he hoped the House would agree to the motion of his noble Friend.

Sir *W. James* said, that as the noble Lord (Lord J. Russell) had alluded to an advertisement, purporting to come from the sheriff, as a candidate for the representation of the borough of Lewes, he could not help reminding the noble Lord of a circumstance which, to his own mind, afforded a strong proof that the advertisement was not genuine, but a forgery, namely, that the hon. Baronet (the Member for Buckingham) had that day moved for a new writ in the room of Viscount Cantilupe, who had accepted the Chiltern Hundreds, and had gone to Lewes to present himself as a candidate for the representation of that borough.

Sir *R. Inglis* rose for the purpose of calling the attention of the noble Lord to the advertisement to which allusion had been so frequently made. The hon. Baronet was proceeding to read it from *The Times* newspaper, when

The *Speaker* called him to order. He apprehended that the hon. Baronet could scarcely be allowed to read a newspaper in the House.

Sir *R. Inglis* said, he would at once bow to the admonition of the Speaker, and quote from recollection the first lines of the second paragraph of the address in question:—

> "Visited with imprisonment, and deprived of that personal liberty which has ever been the birthright of Englishmen, for no crime but that of having, in obedience to the laws and observance of my oath, discharged the duties of the high office of sheriff of Middlesex, I feel no apology will be necessary for not paying my respects to you in person upon this occasion."

That was the ground upon which the sheriff rested his claim, or rather that was the ground upon which he stated his inability to make a personal canvass of the electors. It was very unfair to argue against the sheriff that he should still be deprived of his liberty, because the first use he might make of it would be to go and pay his respects to the electors of Lewes. Surely the noble Lord would not be so unreasonable as to object to his liberation on that ground. Indeed, he believed the noble Lord would be the last man to say that any of his fellow-subjects should be prevented from canvassing the constituency of a place for which he was candidate. With respect to the state of the sheriff's health, all doubts had been removed from his mind by the evidence of Sir W. Chambers; and he must say, that unless they intended to keep Mr. Evans in custody until he died, they would now at once liberate him. The dignity of the House did not require any further imprisonment; it had been sufficiently vindicated and appeased already. The sheriff had failed to obtain his liberty, although he had gone before the Court of Queen's Bench by writ of *habeas corpus*. He therefore called upon the House upon every ground, to concur in the motion of the noble Lord. He would have stopped here if the hon. Member for Ludlow had not servilely copied not only the precedent, but the very words addressed on a former evening to the hon. Gentlemen on that (the Opposition) side of the House, by asking whether the sufferings of John Thorogood were not altogether a matter of indifference to them. Was there no difference between a person who had been legally convicted, and one who had not? [An hon. *Member:* "He has not been convicted."] He did not say he had been. He was about to put two cases when he was interrupted. Was there not a difference between the case of the sheriff, and that of an individual who had refused to appear and plead before a tribunal, the jurisdiction of which, according to the opinion of his right hon. Friend opposite, was perfectly competent? If it were not for his false friends, it had been plainly shown to the House, Thorogood would have appeared and pleaded, and have avoided the trouble he brought upon himself by taking another course. The two cases were not at all analogous.

Mr. *Horsman* wished to call the attention of the House to a very remarkable discrepancy in the evidence of the two medical men who had been under examination, and which appeared to have escaped the noble Lord who had moved, and the hon. and learned Gentleman who had seconded his motion. Mr. Freeman stated on Tuesday, that Mr. Sheriff Evans was very bad with a disease of the liver. What said Dr. Chambers that day? That he had no disease of the liver. He had stated, that his digestive organs were deranged only. That being the only additional evidence that day, he could not see that it was so far concurrent with the evidence of the previous day as to induce him to vote for the liberation of the sheriff. If that consideration did not satisfy him, the fact that an address had been published by the sheriff of the nature alluded to would be sufficient to make him come to that determination.

Sir *J. Graham* said, that before the hon. Gentleman who had just sat down rose, he was about to submit a new motion to the House. With his right hon. Friend the Member for Tamworth, he had come down to the House with his mind made up, that he could not, upon the statements of Mr. Freeman, unsupported by further medical evidence, vote for the liberation of the sheriff. But, as he had known Mr. Freeman for a long time as a medical attendant, he must really offer to the House his testimony on that gentleman's great respectability. Having, however, given his most careful attention to his evidence, he did not think it sustained the necessity for the immediate liberation of Mr. Sheriff Evans. At the same time, after what had fallen from the hon. Member who spoke last, he must say, that the examination of Dr. W. Chambers was not, to his mind, full and satisfactory. He had imagined that some further inquiries would be made by some hon. Gentleman more competent than himself to examine a medical witness. He, therefore, did not rise to put any question, and as the House was by no means satisfied with the evidence as it now stood, it was his earnest desire that Dr. Chambers should be recalled. He therefore moved as an amendment, that he be recalled, for the purpose of a more full and particular examination. The House could not err in referring for information to an authority so high and impartial.

Viscount *Mahon* said, he would most readily withdraw his motion for the present, in accordance with the suggestion and amendment of the right hon. Baronet.

Viscount *Howick* said, that before the motion was withdrawn, and the House determined to adopt the course which the right hon. Baronet had suggested, he wished to say it appeared to him that the House would involve itself in very considerable difficulty by pressing this medical examination further. He thought that there was no gentleman who had been present during the examination of Dr. Chambers and Mr. Freeman who must not feel how highly painful and disagreeable to Mr. Sheriff Evans the nature of that examination must be. Unless, then, there were some great and obvious necessity for continuing that line of examination, it would be much better avoided; and it appeared to him that there might be a course which the House could adopt without incurring the inconvenience of pursuing the examination, and at the same time avoid the risk of placing the health of Mr. Sheriff Evans in greater danger by prolonged confinement. In the evidence given, there appeared to him, as well as to others, nothing which would sufficiently justify the House in consenting to an immediate discharge of the sheriff. But, on the other hand, there was, he confessed, much in the evidence which made it highly desirable and expedient not to continue him in that species of custody in which he was now placed. He thought it impossible to have listened to the evidence of Dr. Chambers without admitting that it was not altogether improbable that the prolongation of the imprisonment of Mr. Evans might be attended with very serious consequences. Nothing was more likely to enlist the feeling of the public against the House, and to damage them in the assertion of that privilege, which he, for one, was resolved to maintain to the very last,—nothing was more likely to weaken them in pursuing that course, than if it should turn out, unfortunately, that while they were balancing the evils to which Mr. Sheriff Evans was exposed, he should contract a serious, and possibly a mortal, disease. The course, then, which the House ought to adopt under these circumstances was,—not to discharge Mr. Evans out of their custody, but direct that under the charge of a messenger of the House he should be permitted to take up his residence, in custody, in such a place out of town as his medical advisers should recommend. By that course, all risk of his health, all the dangers and sufferings of the prolongation of his present species of confinement, would be avoided, and at the same time the House would manifest its positive and fixed determination to enforce its authority. He considered it very necessary that such a determination should be manifested, for the right hon. Baronet, the Member for the University of Oxford, had said that enough had been done for the dignity of the House. In his opinion, when a person was committed for contempt, enough was never done for the dignity of the House until that person submitted himself to the authority of the House, petitioned for his enlargement, expressed contrition for the fault he had committed, and engaged not again to fall into a similar fault. Mr. Sheriff Evans had done nothing of the kind. More than that, he had published in a newspaper of that day an address, which had been more than once alluded to, which was a fact of great importance for the House to bear in mind, not only from its directly flying in the face of the House, but from its implying that Mr. Evans was not in a state of health to induce the House to discharge him. The hon. Baronet, the Member for Oxford, had said, that there was no analogy between this case and that of John Thorogood, who had refused to submit to the jurisdiction of a court, and who would have been at liberty if he had submitted and paid the money. But then he had listened to false friends, or he would now have been at large. Why, that appeared to him to be just the case under discussion. If the sheriff would submit himself to the authority of the House, he would be discharged. If he had not listened to the suggestions of false friends, he (Viscount Howick) firmly believed that before this he would have submitted, and in consequence have been liberated. He would, however, entreat the House not to run the risk of endangering that gentleman's health by retaining him in his present custody, but adopt the course which he had recommended, and show that they were determined not to abandon their privilege. He thought it was more peculiarly important on this occasion that they should show that determination, because he thought it very much depended on the course they now took what the Court of Queen's Bench would do when it assembled again in Easter term. If they wavered, if they showed any irresolution, he had no doubt that the Court of Queen's Bench on their side would avail themselves of that weakness. But if they showed that fixed determination, he could not believe that the Court of Queen's Bench, having on its own acknowledgment no power to protect the sheriff, and having admitted that it could not, he being in custody for a contempt of the House, relieve him from that custody, would act in a manner so contrary to all precedent and usage as to insist that a third and innocent party should take a course by which he would subject himself to a punishment from which it had not the power to release him. For all these reasons he suggested that it would be inexpedient to recall Dr. W. Chambers, and that it would be better to take the course he had suggested.

Colonel *Sibthorp* observed, that upon a former occasion when the noble Lord who spoke last addressed the House on the subject of the sheriffs' confinement, he declared his unwillingness to allow the prisoners the use of pen, ink, or paper, and now he recommended their being instantly sent off to the country. He (Colonel Sibthorp) hoped, that the House would agree to no other proposition than the immediate release of Mr. Sheriff Evans. His continued imprisonment would be a disgrace to the country, his ever having been sent to prison was a disgrace to the House, and, above all, a disgrace to that part of the House which called itself liberal. Sheriff Evans had been kept in custody by the exercise of an unmanly power, and he only regretted, that he had not a vote for Lewes, as he felt perfectly assured that the return of Mr. Evans would do honour to any constituency.

Sir *R. Peel* said, he should address himself singly to the question which now properly came under the consideration of the House. The question which the present motion brought before them was not whether Mr. Sheriff Evans should be discharged on merits, neither was it a proposition, that he should be discharged on the ground that the punishment which he had already endured was commensurate with his offence, but whether he ought now to be discharged on the score of ill health. He would take the liberty of repeating that which he had previously said in reference to this question—namely, that it would not be creditable to the House to proceed upon one ground and use it as a pretext, while they were really influenced by considerations arising out of another. If Mr. Sheriff Evans ought to be discharged upon merits, let it be done forthwith, if he ought to be discharged because he had already endured sufficient punishment, let him no longer be detained, but if he were to be liberated on the first or the second of these grounds, let not the third be assigned as the ground of his discharge. Let the House not forget, that if they discharged Mr. Evans on the ground of indisposition, such a proceeding would have the effect of establishing an important precedent, and for this reason, that all other persons similarly circumstanced would be equally entitled in point of equity to a similar relief. He put out of view altogether the question, whether the original committal was just or unjust, and merely confined himself to this observation, that if Mr. Sheriff Evans were discharged on the ground of ill health, the meanest man in the community, if sent to prison for any offence, would be entitled to a similar indulgence. As to the address which had appeared in the newspapers, and to which reference had been made, he conceived that the House ought to disregard it altogether; there was no evidence before the House of the authenticity of that address. His first impression respecting it was, that it could not be genuine. He did not think, after the statement yesterday made in that House by the medical adviser of Mr. Sheriff Evans, that such an address was likely to have appeared in the public prints, but he thought, that the House, acting judicially, and not having before them any evidence of the authenticity of the address, ought to put it altogether out of view. Looking then at the question before them in the light in which he had endeavoured to present it to the House, he felt bound to say, that he had arrived at the same conclusion with the noble Lord, the Member for Northumberland. He could not vote for the discharge of Mr. Sheriff Evans, and he confessed that he did not think the House could come to any such vote without applying the same principle to other parties similarly circumstanced. Nevertheless he was bound also to say, that they were incurring very serious responsibility by keeping Mr. Sheriff Evans any longer in strict confinement. The House, he was sure, would agree with him that the more firmly and temperately they maintained their privileges, the longer would those privileges be preserved in a permanent and efficient condition. On these grounds he recommended the House to adopt the course suggested by the noble Lord, the Member for Northumberland. He thought, that the better course for them would be not to discharge Mr. Sheriff Evans altogether out of custody, but to give him the benefits of air and exercise; after which the House might be replaced in the situation with respect to that gentleman as they might have stood previous to this temporary indulgence and previous to the cause of this remission of punishment. It was perhaps unusual to extend this species of indulgence, except upon application: by the course which the noble Lord recommended they implied that they were ready to act without application. He need scarcely say that he was as little disposed as any Member of that House, to punish with severity an offence such as that of Mr. Evans, and he could not recommend that the life of any man should be endangered. He was only anxious that the House should adopt that course which was most consistent with the maintenance of their own privileges.

Mr. *Hobhouse* was of opinion, that they ought to follow the example set them by the courts of justice. If a man were sentenced to imprisonment or transportation, the punishment was never remitted on account of the state of his health. The sheriff was now suffering for a violation of the law. The privileges of Parliament stood upon the same footing as the laws of the land.

Mr. *Plumptre* observed, that they could not hope to witness the recovery of Mr. Sheriff Evans unless he was unshackled in mind as well as free in person, and he surely could never feel himself really free so long as he was attended by a messenger of that House.

The *Lord Advocate* said, that the courts did usually suspend or remit punishment when a strong case was made out.

Lord *J. Russell* said, that whatever might be the practice in that part of the United Kingdom, with which his right hon. Friend, the Lord Advocate, was more immediately connected, it was not the practice here, but the prerogative of the Crown might be exercised for that purpose, at the same time that it never was exercised without testimony being given of a very sufficient nature as to the fact. The mere statement that the constitution of a prisoner was in danger of being impaired by further confinement did not constitute such grounds as would be thought sufficient to justify a Minister in advising the Crown to remit the punishment. In the case of William Lovett, who was confined in Warwick gaol, the surgeon of the prison stated, that he thought there was some danger in his further confinement; and a medical man who had previously attended him represented his constitution to be delicate, and likely to suffer from the strict diet of the prison; but yet the Crown was advised not to interfere. From the station in life which Mr. Sheriff Evans occupied, it was likely that his case would excite more sympathy than a person of humbler rank; but he (Lord John Russel) could never think of advising that course with respect to any person in one station, which he was not ready to recommend with respect to persons in any other, however humble or obscure. With respect to the proposition made by his noble Friend, the Member for Northumberland, although he could not himself make such a motion, yet he should, though doubtfully, give it his support.

The original motion withdrawn.

Dr. Chambers called to the bar. He stated in answer to questions, when he last saw Mr. Sheriff Evans, Mr. Freeman was present, and stated his opinion on the case, that he had treated it upon a supposition that the liver of the patient was affected. He had examined the patient. The liver was not enlarged so as to constitute disease; there was considerable turgescence and hardness; the liver appeared to be congested—full of its own secretions. There was turgescence, or extension, and a predisposition to disease. Further imprisonment for six weeks might certainly produce disease, he should not like to bear the responsibility of the confinement for that time. He could not answer how long it might be safe to confine him. He did not think that anything short of perfect freedom afforded much prospect of relief. It was highly desirable that he should enjoy, not only air and exercise, but perfect freedom of mind. Air and exercise would not meet the case, though they might diminish the tendency to disease. Mr. Sheriff Evans was of a habit of body peculiarly liable to injury from confinement. He was now accustomed to walk in the cloisters—the room which he occupied was close; and, considering the number of visitors whom he receives, and the number of persons who come to him on business, unfavourable to his health. He understood Mr. Evans was allowed to walk in the cloisters every day. He would be able to take more exercise if he were at liberty. In his present state of disease, or rather predisposition to it, mental anxiety would be likely to render his case more unfavourable. If Mr. Sheriff Evans had gone to consult him, he should have given advice similar to that which he had now recommended—namely, that air and exercise were necessary for him. He did think the sheriff in immediate danger.

Witness withdrew.

Viscount *Mahon* said, he thought the evidence which had been now given tended strongly to confirm and recommend the original motion which he had proposed. The evidence of both the medical authorities fully justified him in that motion, and he should therefore again submit to the House that Mr. Sheriff Evans be forthwith discharged.

The House divided: Ayes 84; Noes 125; Majority 41.

List of the AYES.

Acland, T. D.
A'Court, Captain
Arbuthnot, hon. H.
Bagge, W.
Baillie, Colonel
Baring, H. B.
Barneby, J.
Barrington, Viscount
Bentinck, Lord G.
Blackstone, W. S.
Blandford Marq. of
Boldero, H. G.
Bolling, W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Chute, W. L. W.
Cochrane, Sir T. J.
Darlington, Earl of
Dick, Q.
Dowdeswell, W.
Dunbar, G.
Duncombe, hon. W.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Feilden, W.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Follett, Sir W.
Forester, hon. G.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Goring, H. D.
Greene, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hamilton, Lord C.
Henniker, Lord
Holmes, hon. W .A.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
James, Sir W. C.
Jones, J.
Jones, Captain
Lincoln, Earl of
Mackenzie, T.
Maxwell, hon. S. R.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Perceval, Colonel
Pigot, D. R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Visct.
Pringle, A.
Richards, R.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Scarlett, hon. J. Y.
Shirley, E. J.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E.
Sturt, H. C.
Sutton, hn. J. H. T. M.
Tennent, J. E.
Vere, Sir C. B.
Vivian, J. E.
Williams, W.
Wood, Sir M.

TELLERS.
Mahon, Viscount
Kelly, F.

List of the NOES.

Adam, Admiral
Aglionby, Major
Ainsworth, P.
Alston, R.
Anson, hon. Colonel
Baines, E.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Butler, hon. Colonel
Byng, G.
Callaghan, D.
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Collier, J.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Curry, Sergeant
Davies, Colonel
Divett, E.
Douglas, Sir C. E.
Dundas, F.
Dundas, Sir R.
Easthope, J.
Elliot, hon. J. E.
Ellis, J.
Evans, G.
Evans, W.
Finch, F.
Fitzroy, Lord C.
Fort, J.
Freemantle, Sir
Gisborne, T.
Goddard, A.
Gordon, R.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hardinge, rt. hn. Sir H.
Hastie, A.
Hawes, B.
Heathcote, J.
Hector, C. J.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L
Hodgson, R.
Howard, hon. E. G. G.
Howard, P. H.
Howick, Viscount
Hutton, R.
Irving, J.
Lambton, H
Lascelles, hon. W. S.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, C.
M'Taggart, J.
Martin, J.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Muntz, G. F.
Muskett, G. A.
Noel, hon. C. G.
O'Callaghan, hon. C.
Palmerston, Viscount
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Pinney, W.
Protheroe, E.
Pryme, G.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Smith, B.
Smith, J. A.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, hon. W. O.
Staunton, Sir G. T.
Stuart, Lord J.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Wall, C. B.
Wallace, R.
Warburton, H.
White, A.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, G. W.
Wood, B.
Worsley, Lord
Yates, J. A.
Young, J.

TELLERS.
O'Ferrall, R. M.
Horsman, E.

Sir *J. Graham* said, the result of the

evidence on his mind was, that the responsibility on the House of continuing Mr. Sheriff Evans in custody was very great, and that the House would not act wisely if it incurred so dangerous a risk. There were precedents for allowing prisoners in custody some enlargement from restraint, and he thought it highly necessary that those precedents should be carefully considered with reference to this case. He should therefore move, that the evidence of Dr. Chambers be printed with the votes, and he hoped that the noble Lord would consider that evidence, and be induced to make to-morrow such a motion as he was about to make to-day for relaxing the custody of the sheriff.

Lord *Howick* said, it appeared there was nothing pressing, and he had therefore abstained from making his motion, but he might, perhaps, be induced to do so after considering the evidence.

Dr. Chamber's evidence to be printed.

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HOUSE OF LORDS,

Thursday, *March* 5, 1840.

MINUTES.] Bill. Read a second time:—Horse Racing.

Petitions presented. By Lord Ellenborough, from three places, against the Opium Trade.—By the Duke of Richmond, the Earl of Warwick, and Lord Wharncliffe, from several places, against, and by the Duke of Sutherland, from one place, in favour of, the Repeal of the Cornlaws.—By Lord Redesdale, from one place, against the Rating of Union Workhouses.—By the Dukes of Sutherland, and Richmond, and the Earl of Galloway, from several places, against the present system of Church Patronage in Scotland; and by Lord Wharncliffe, from one place, in favour of the same.—By Lord Teynham, from Monmouth, for a Free Pardon to Frost, Jones, and Williams.—By Lord Melbourne, from Persons in the City of London, for Corporate Reform in that City.

CHURCH OF SCOTLAND. INTRUSION.] The Earl of *Aberdeen* said, that he had three petitions to present on the subject of non-intrusion, all of which had the same prayer, and yet all meant something perfectly different from each other. Their Lordships had recently heard a great deal on the subject of non-intrusion, and were probably destined to hear a great deal more. He thought, that in five minutes he could explain to their Lordships what were the views of the several portions of the Church of Scotland on this subject. There existed now, and always had, in the Church of Scotland, a numerous body of persons who regarded the very existence of patronage as a grievance, an abomination, a cursed thing, a hateful thing, which ought to be abolished as speedily as possible. With this class non-intrusion meant the total abolition of patronage. The next great division was comprised of those who did not advocate the abolition of patronage, but who insisted upon the right of the people to pronounce an absolute veto on the presentation of any minister, without assigning any reason for their veto. That was the law of the Church, of the Veto Act of 1834, which their Lordships had, however, declared to be illegal, and beyond the powers of the General Assembly to effect. That was the opinion held by many members of the Church of Scotland, by the majority of the General Assembly of that Church, and by the majority of the Presbyteries throughout the country. With this class non-intrusion meant the right of the people to reject any presentee who might be disagreeable to them, absolutely and without assigning any reason for such rejection, but it must always be in a conscientious conviction of his unacceptableness. The third class consisted of those who agreed that the people had a right to make any objection they might think proper to a presentee, either with regard to his moral character or his literary acquirements, or to make any objection, such as, that they were of opinion that they could not be edified by his ministry — anything, in short, which led to their conviction of his unacceptableness; and that the Church Court had a right of deciding arbitrarily on those objections, and of rejecting the presentee, even although the objections could not be legally valid against his character or his acquirements. This class also constituted a large proportion of the Church of Scotland. The last class consisted of those who thought that only such objections could be sustained as went to the qualifications of the individual or minister, and which could be legally sustained against his character, his literature, or his doctrine. This was the most limited class. These were the four great divisions into which the Church was divided upon the subject, although there might be other shades of difference. When he mentioned that division which prayed for the abolition of patronage, he ought to mention that they did not wish the people generally to have the election of the minister; they limited the election to the persons who were in full communion with the Church—nay, not even so far did they pray for; for their prayer limited the election to the heads of families in full communion with the Church. That was an arbitrary limitation, the reason for which he was unacquainted with. He saw no good reason why the communicants, not heads of families, should be deprived of the right. The manner of dispensing the holy sacrament was different in Scotland from what it was in England. The people there were not allowed to go up to the table indiscriminately; only those were admitted who were considered qualified to partake of the holy rite, and that after examination by the minister and elders. Therefore, to a considerable extent, that gave a certain guarantee of the moral character, the feeling, and disposition of the persons called upon to exercise the privilege. The petitions he had to present were all in favour of the principle of non-intrusion, but one was in favour of the abolition of patronage, and ought to have prayed for it, inasmuch as it proceeded upon the allegation of the great grievance of patronage; another ought to pray for the legalizing of the Veto Act, because it proceeded upon the excellency of that Act; and the third was a general petition in favour of the principle of non-intrusion. While he was on his legs, he had a word to offer to the noble Viscount opposite. He knew that the noble Viscount was much pressed from many quarters to bring forward a motion upon the subject, and that the Government were much blamed for the delay which had taken place. He was more afraid of hesitation than of delay. He earnestly called upon the noble Viscount to consider the subject most calmly—to deliberate maturely upon the nature of the measure he proposed to bring forward. The Government never had a more difficult subject under consideration—or one deserving and demanding more calm deliberation. Above all, it required honesty of purpose. The measure, if left to the unbiassed judgment of the noble Viscount, might be a wise one, but he was not quite sure that it would; he did believe that it would be an honest one. From what he saw passing upon the subject, he was perfectly aware of the immense difficulty of the question, and he most earnestly called upon the noble Viscount not to bring in the proposed bill until it was fully and deliberately considered and carefully prepared. The noble Earl then presented three petitions from places in Scotland in favour of the non-intrusion of ministers.

Petition laid on the Table.

HOUSE OF COMMONS,

Thursday, March 5, 1840.

MINUTES.] Bill. Read a first time:—Union Workhouses. Petitions presented. By Mr. Broadley, from Hendon (York), against the Inland Warehousing Bill.

FOREIGN POSTAGE.] Mr. *Fitzroy* wished to put a question to the right hon. Gentleman, the Chancellor of the Exchequer, on the subject of the new postage regulations. He found that if a letter were sent to Dover, it was charged a penny; but if the letter were sent to Paris, the postage as far as Dover was charged as formerly, 10*d.* He wanted to know the reason for this distinction. Again, he found it was allowed, if he posted the votes of the House, and put his name on the cover, that they went free; but if he absented himself from London, he could not receive them postage free. Now he wished to ask whether Members would be allowed to receive the votes alone free from postage?

The *Chancellor of the Exchequer* said, that the hon. Gentleman was quite correct in stating that the home postage to Dover was a penny, but the postage on a foreign letter was fixed under a treaty, and by that treaty the postage to Dover was 10*d.* The subject of the foreign postages had not escaped the attention of the Government, and more especially with regard to France, with whom we were now in negotiation, the object being to obtain from foreign governments a reduction in their rate of postage.

Mr. *H. Fitzroy* begged the right hon. Gentleman's pardon, but he had misapprehended the purport of his first question. His question did not relate to the rate of postage on the other side of the water, but to the charge to and from Dover in this country, and he saw no reason why the same rate should not be paid in all cases.

The *Chancellor of the Exchequer* replied, that this was just what he did not want to do. His object was to have something to give the French government in return; and both governments were now in a friendly way settling what reductions should be made. With regard to what the hon. Gentleman had stated respecting the transmission of the votes, he should be very glad if he could find any one who would enter into an inquiry upon the subject with him, to whom he could explain the reasons for the regulations which had been adopted; but he was sure that when the privilege of franking was given up, it was never intended that it should be renewed for the benefit of that House alone.

Subject dropped.

APPOINTMENT OF MR. STEVENSON.] Lord *G. Somerset* rose to move for certain papers relating to the appointment of Mr. Stevenson to the offices of commissioner of Arbitration, and commissioner of Excise; and in so doing said, he would briefly explain the reasons which had induced him to call for those papers. He was well aware that the motion he was about to submit to the House was not one involving great pecuniary considerations; it went rather to an inquiry into the inefficient and improper system under which the revenues of this country were conducted, than to any specific amount. It involved questions of a serious nature, touching public economy and public justice; and if he was correctly informed, the course which had been followed in respect to the case referred to in the papers, was so contrary to all the rules which had been laid down by the House and other authorities, and to all the practice recommended by every commission of inquiry into these subjects, that he felt it very difficult to bring himself to believe it. Indeed, if he had not heard from the right hon. Gentleman, the Chancellor of the Exchequer himself, that Mr. Stevenson had received a salary, both as commissioner of Excise, and a commissioner of Arbitration, the statement would have appeared quite incredible to him. As far as he understood the facts of the case, they were these:—For about two years Mr. Stevenson had been engaged in both offices, and for a portion of that period he had received the salaries of both these offices. When the commission of Arbitration was first appointed, it consisted of five unpaid, and three paid commissioners; they were Gentlemen connected with official business, and very competent for the duty they had to discharge, which was a most important one, the apportionment of the 20,000,000*l.* of money granted as compensation to the proprietors of slaves in the West Indies for their liberation. They were armed, therefore, with large powers; in fact, they were placed more in the position and authority of judge and jury than any other commission. He intended to make no complaint of the manner in which they had performed their task; he believed that they had given general satisfaction, and he had not one word to say against their decisions. The three paid commissioners were Mr. Lewis, Mr. Elwin, and Mr. Stevenson, up to the latter end of the year 1838, when one of the Gentlemen, Mr. Stevenson, was appointed a commissioner of Excise. It was natural to suppose that he would, on receiving that appointment, have taken his farewell at the board of Arbitration; but that did not turn out to be the fact. In the month of October, 1838, Mr. Amyot, who had hitherto been unpaid, received an intimation that he was to be a paid commissioner; and it was understood that Mr. Stevenson, whose removal had made the vacancy for him, received the fraction of salary due to him as commissioner of Arbitration. Subsequently, however, the appointment of Mr. Amyot, which had never been officially announced, it was believed, was recalled by Lord Glenelg. Last winter it happened that a sudden stoppage of the payment of the salaries of those gentlemen took place, and some inquiry took place, which led to the knowledge of the fact that Mr. Stevenson was to receive the whole year's salary, from October 1838 to October 1839, as commissioner of Arbitration. So that, in point of fact, he was in the receipt of 1,200*l.* a year as commissioner of Excise, and 1,000*l.* a year as commissioner of Arbitration, contemporaneously. Now, if rumour could be depended on, the right hon. Gentleman opposite had taken the same view of this subject as he did, and had made the most vigorous, though ineffectual, efforts to withstand the pressure put on him, to make him allow Mr. Stevenson the additional salary of 1,000*l.* It was a fact admitting of no sort of dispute, that the duties which Mr. Stevenson had to discharge were duties of a judicial nature. They consisted in determining legal questions—they consisted in the examination of witnesses—they consisted in balancing the value of separate pieces of evidence, documentary, and other. This statement was not founded upon mere matters of opinion, or matters of conjecture; they were simple statements of facts, notorious in every quarter where the affair in question had ever become a subject of interest. Now, he wanted to know how any one could discharge such duties as those, and be at the same time constantly absent from that place, and that only place at which they could be discharged? It might as well be said that the judges of the courts at Westminster could walk in and walk out while an important legal argument was going forward, as that any person efficiently and properly discharging the duties intrusted to Mr. Stevenson, could be as frequently, and for as long periods, absent, as that gentleman was well known to have been. How could it be otherwise, seeing that he at the same time filled the office of a commissioner of Excise? If the services of Mr. Stevenson were so exceedingly valuable as a commissioner of Arbitration, why was he not kept exclusively to that office? Why was his time taken up, and his attention diverted, by the duties which belonged to the Board of Excise? He begged the House to consider the hours of attendance given at the places where Mr. Stevenson, according to the prescribed rules and regulations of his two offices, was bound to be present. In the first place, the hours of attendance at the Excise-office were from ten o'clock in the morning till three in the afternoon: secondly, the attendance at the office of the commissioners of arbitration was to be from eleven o'clock till four; the House then must see the obvious incompatibility of the two offices. If, as he had already said, the services of Mr. Stevenson were of such high importance in the one, why was he appointed to the other? It was clear that no person could, at one and the same time, discharge the duties of both. No man would attempt to say that the commissioners of Arbitration ought at any time to be absent from their posts. Was the right hon. Gentleman opposite, (the Chancellor of the Exchequer) prepared to assert that the Commissioners of the Excise had no duties to perform—was it not, on the contrary, a matter well known to the generality of the Members of that House, that the duties of the Board of Excise were peculiarly onerous? He need hardly observe, that it would be impossible for Mr. Stephenson to attend to both places at once; and it was equally unnecessary for him to say, that no Government had openly, at least, sanctioned such a combination of obviously incompatible situations. In the year 1833 the Board of Treasury expressly pronounced an opinion adverse to such a practice, and at the same period stated the ground upon which the salaries of the Commissioners of Excise were fixed at so high a rate, viz. the onerous nature of the duties which they had to perform. It might be liberal remuneration for a gentleman who held two offices, to receive for one 1,000*l.* a year, and for the other 1,200*l.*, but the question was, how could he discharge the duties of both? There was rather a curious point connected with this subject, to which he should now take the liberty of directing the attention of hon. Members. The commissioners of Arbitration were, as the House knew, appointed under an Act of Parliament. Had the Board of Treasury attended to the express provisions of that act, the grounds of complaint upon which he rested his motion would, in all probability, not have arisen. If they had carried out, as they ought to have done, the provisions of that act, one very remarkable feature would be removed from the present case: the act declared, that annually an account should be rendered of the expenses incurred under the authority of that act. Now, no such account had, in the present instance, been rendered. He should not say, that the account was withheld for the purpose of effecting any such object as that which he now made the subject of complaint, but this he would say, that if a job were intended, nothing could be more favourable to its accomplishment than the circumstance of the account never having been furnished. He again would say, that he imputed the absence of the account to no such motive, but nevertheless, he could not help noticing it as exceedingly suspicious; he did not accuse her Majesty's Government of withholding the account for the purpose of perpetrating the job, but he did accuse them of not complying with the clear and distinct provisions of the Act of Parliament, which had immediate and direct reference to the matter in question. The provision to which he had alluded, had been introduced for the purpose of checking the evil of which he then complained; the act regulated the salaries of the commissioners of Arbitration; it required that an account should be produced, and yet no account had ever appeared; the provisions of the act would, if they had been complied with, have prevented practically the payment of the double salaries. He could not help very much regretting that Mr. Stevenson should ever have been induced to accept the second situation; it would have been much better if he had never taken the additional salary; but he hoped that this would be the last instance of one individual holding two offices so manifestly incompatible. As regarded the Board of Treasury, he could not but consider their conduct in this matter as a monstrous dereliction of duty. A great fault had been committed by the Board of Treasury, a great want had been betrayed on their part, of a disposition to prevent the needless expenditure of the public money; but there was more than that, there was an evident and undeniable disobedience of an Act of Parliament. If, when he had done, the right hon. Gentleman opposite, the Chancellor of the Exchequer, should get up in his place, and tell the House that the whole accusation originated in, and was founded upon, a mistake, then he should reply, that the mistake must have arisen from the fault of the Board of Treasury—that fault being, their not having complied with the terms of the Act of Parliament. The Commissioners of Excise were bound to dedicate their time to the service of that department; all the time and attention which they could give to it, consistently with a reasonable care of their private affairs, and a fair allowance for recreation, the whole of their thoughts and exertions ought to be given up to the duties of their office; yet it was presumed that Mr. Stevenson had a quantity of spare time on his hands, of the value of 1,000*l.* a year, and accordingly he received for one year's salary as much as 2,200*l.* Never, since any attention had been paid by Parliament to the expenditure of the public money—certainly never within the last five-and-twenty years—had anything of the sort occurred. No doubt there had been instances of men holding more than one situation, but then they were situations in which the duties were small, and the emoluments small; therefore, the precedent which they supplied could be of no value in the consideration of such a case as that of Mr. Stevenson, who held situations so important, so lucrative, and obviously so incompatible with each other. Had Mr. Amyot, who received 800*l.* a year, been appointed to the office which Mr. Stevenson held, then there would have been a saving to the country of that sum of 800*l.* a year, his salary as registrar of slaves, which would have merged in the salary of 1,000*l.* He trusted that in thus bringing this question under the consideration of the House, it would be felt that he had done so without practising any exaggeration; he trusted that when the papers were laid upon the table of the House, it would be seen that he was fully borne out in the assertion which he had made, that the course pursued by the Board of Treasury was in all respects inexpedient, and that in one particular, it was clearly in contravention of the express provisions of an Act of Parliament. The noble Lord concluded by moving an address for a

"Return of all persons appointed to be paid commissioners of Arbitration under the powers of the act 3 and 4 William 4th, c. 73; stating their names, the dates of their appointments, the salaries and emoluments to be paid to each of them, and the payments made to them respectively on account thereof; the dates of the said payments, and the authority under which such payments have been made. Return of any other office (if any) in the public service held by each of the said paid commissioners of arbitration; specifying the date of appointment to each office respectively, the salaries and emoluments payable, and the salaries and emoluments paid, in consequence of such other office; together with the dates of payment in each case. Copy of any warrant or warrants by which any payments may have been made to Mr. Stevenson, as commissioner of Arbitration, since the appointment of Mr. Stevenson to be a commissioner of the Board of Excise. Copies of any communications from the Secretary of the Colonies, Lord Glenelg, to the Board of Treasury, or to the Board of Arbitration Commissioners, in reference to the appointment of Mr. Amyot to be a paid commissioner of Arbitration."

The *Chancellor of the Exchequer* said, the House must be perfectly aware, as no doubt the noble Lord opposite was, that there could be no objection to producing the papers for which he moved, or any other documents connected with the subject which could afford the House the least information. He could not, however, but observe that the noble Lord, without the least reason to anticipate a refusal of the documents, argued the case before he procured the evidence. He (the Chancellor of the Exchequer) would necessarily be obliged to allude to transactions, the documents respecting which, were not before the House; but when the papers were on the table they would find every word which he intended to address to them fully borne out by the indisputable statements which those papers contained. As the noble Lord had thought proper to address them at such length, he must beg permission to make a few remarks upon what had fallen from the noble Lord. In the first place, no remuneration in the nature of salary had ever been given to Mr. Stevenson; remuneration was promised for the whole work, but not in the shape of annual salary. At the commencement of his labours their exact nature and extent could not be very precisely calculated. The commissioners of arbitration were to report from time to time, and the Treasury were occasionally to issue money in proportion to the work done. A sum had been paid to Mr. Stevenson for his labours in one year, which did amount to 1,000*l.*, and in that sense only could he ever have been said to have received 1,000*l.*, but he got no annual salary. It was no more than justice to say, that the labours of the commissioners of arbitration had been well and efficiently performed; there was no one connected with the West India interest who would gainsay that statement; but, on the contrary, he was sure that the Members of that body would readily bear testimony to the truth of the observation. No men could attend more assiduously than they did to the duties of their situation, or give more satisfaction to the country. The duty which they had to perform, was one which required a legal education; they must, therefore, of necessity, belong to the profession of the law, and he must say that he thought the mode in which those gentlemen had conducted their proceedings in every way deserving the attention and perhaps the imitation of other courts of law. The transaction as to Mr. Stevenson was this:—In the year 1838 he was engaged in his duties as a commissioner of arbitration. In the autumn of 1839 the commissioners made their report, and applied for such payment on account as the Treasury might think proper to award. Two points then came before him (the Chancellor of the Exchequer) for his consideration—the first was the state of the business before the commissioners; on that point he thought it advisable that a notice should issue, intimating that it was intended to bring the business before those commissioners to a speedy termination, and stating that they would close their labours on the 1st of January, 1841. The second point was, whether Mr. Stevenson should receive any payment as commissioner of arbitration, together with his salary as commissioner of Excise. To this he felt an objection and wrote accordingly to his noble Friend at the head of the Government, stating the course which he proposed to pursue; and so far was his noble Friend from remonstrating with him, as had been supposed, that he recommended him to proceed as he had proposed. He then sent for Mr. Stevenson, and stated to him that he did not consider it right that he should continue to receive emoluments for one office and a salary for another at the same time; and in the most honourable and creditable manner Mr. Stevenson proposed to continue his labours gratuitously. He naturally wished himself to assist to the last in bringing the labours of the board to a close—labours which had done him and those with whom he had been associated much credit. He (Mr. Baring) had then decided that Mr. Stevenson should receive the remuneration applied for in the year 1839, and certain dues for the remuneration of the commission, to act without further remuneration. If, then, there had been any impropriety in the transaction, it proceeded altogether from him, and not from Mr. Stevenson. He would proceed to state the grounds of his decision. The House must be aware that the duties which the commissioners had to discharge were of a most laborious character—they were remunerated in proportion to the importance and the severity of those labours. Mr. Stevenson had gone through the most burdensome portion of the work, and it was not fair to judge of his merits by the portion of time which had elapsed: he might be wrong in this view of the question, but he did think it ought to form a principal ingredient in the proper estimation of the whole case. He thought, also, that though Mr. Stevenson held a seat at the Board of Excise, it would still be better to continue him at the other board, than introduce to it a fresh commissioner, who could not be familiar with its duties or previous proceedings; who could not, therefore, be so well qualified as Mr. Stevenson to get through the remaining portion of the business before the board, and who must either sit there as a cipher, or impede its operations. Looking, then, at the labour to be performed, and at the advantage to the public from the continuance of Mr. Stevenson's services, he must say, that if he had the same question again to decide, he should come to the same decision, and supposing the appointment of Mr. Stevenson to have been made by the predecessors of the present Government in office, he still could not avoid taking the same course. It was never the practice of any Government to go back and deprive any gentleman of money to which, under such circumstances, he had established a just right, or disappoint any expectations which he might reasonably have been led to form. With respect to Mr. Amyot, he had been appointed by Lord Glenelg under a mistake, and the letter authorizing his appointment was immediately withdrawn. As had been before said, the commissioners sat as judges, they had legal questions to determine, and, without meaning the slightest disrespect to Mr. Amyot, he might be permitted to say, that not being a lawyer, he was unqualified, whatever might be his talents and attainments, to take a seat at the board of arbitration. It was further necessary he should observe, that the nature of the business at this board did not require constant attendance; when once a principle was laid down, it extended to a great many cases. It had been argued, that the office of a commissioner of Excise was inconsistent with that of a commissioner of arbitration; he knew not upon what principle such a position could be maintained. Lord George Seymour was first commissioner and chairman of the Revenue Board at the same time that he held the office of chief wharfinger of Ireland. Sir Francis Hastings Doyle was deputy-lieutenant of the Tower, with a salary of 300*l.*, and chairman of the Board of Excise, with a salary of 1,700*l.* a-year, and that state of things existed in the year 1826, when the noble Lord who made the present motion was a Lord of the Treasury. There was also Mr. Greville, who held the offices of Comptroller of the Excise and Receiver of Taxes for Nottingham, and who was, moreover, Secretary for the Island of Tobago. He would not go beyond the department of the Excise; it was unnecessary to do so. He found that during the Administration of which the noble Lord was a Member, Mr. Finch Hatton was inspector of teas in the Excise, and also a commissioner of Stamps. Again, Mr. Jenkinson was registrar of Excise—that was, registrar of the decisions of the board when they sat judicially; also a receiver of Stamps, and Lieutenant of Dover Castle. There was also Mr. Wilimott, who was distributor of stamps in the Excise, with a salary of 1,000*l.* per annum, and also Receiver-general of the Post-office with 800*l.* a-year. All these transactions had taken place during the administration with which the noble Lord was connected. He trusted that the explanation which he had given would be considered satisfactory, and he was quite sure that when the papers were before the House, and it was found that it did not rest merely on his word, but that the arrangement was made on a Treasury minute, all doubt would be put an end to at once. The right hon. Gentleman concluded by moving as an addition to the motion of the noble Lord, for a return of the Treasury minutes relating to the payment of any sums of money to Mr. Stevenson as commissioner of arbitration since his appointment of commissioner of Excise.

Mr. *Goulburn* observed that as there was no objection to the production of the papers for which his noble Friend had moved, he would not, on the present occasion, enter into any discussion upon the general merits of the case. But he could not refrain from expressing his surprise that his right hon. Friend, the Chancellor of the Exchequer, should have thought it necessary to complain of the statement which his noble Friend had made in support of his motion. If his noble Friend had merely brought forward the case, without stating the grounds for so doing, he would have been open to the accusation of having submitted a motion for which he could not make out a case. His noble Friend, therefore, was, in his opinion, fully justified in the course he had thought proper to pursue. His noble Friend had stated very explicitly and very accurately the grounds of the charge against the Government; and he must, with all respect, add that his right hon. Friend, the Chancellor of the Exchequer, had made a very feeble and insufficient reply. He would state his reasons for saying so. If he correctly understood his right hon. Friend's argument, he did not deny that it was the practice to allow to the commissioners of arbitration a certain amount of money on account in the month of October, and that when Mr. Stevenson applied to him, he having been appointed to the Excise commissionership in September, 1838, his right hon. Friend considered that he was entitled to a larger proportion of remuneration, because the business of the Board of Arbitration up to the middle of 1838, had been far more laborious than it could be from thence to the expiration of the commission. He thought this reply showed a sufficient reason for asking the grounds upon which the payment had been made. But the charge was not that the Treasury had paid Mr. Stevenson for business done up to the middle of the year 1838—important as every one admitted that business to be. The charge was, that in 1839 Mr. Stevenson, having in the meantime discharged his duty as a commissioner of excise, the Government had made him a further payment as a commissioner of arbitration. That was the charge, and to that no reply had been given. The right hon. Gentleman, had told them that much inconvenience would have arisen if they had introduced as the successor of Mr. Stevenson at that subsequent period of the commission a stranger to the office. But Lord Glenelg had guarded expressly against that contingency when he appointed Mr. Amyot, who was a man of great ability and talent, and in every way a most efficient person, and who had, moreover, been for some time acting at the board as an unpaid commissioner. He therefore, thought with Lord Glenelg that Mr. Amyot was the person best calculated to supply the place of Mr. Stevenson; and, if he had been appointed, the country would have been saved a salary of 800*l.* a year. But that was not done, and Mr. Stevenson was retained in his office, and was then receiving the double salary. The right hon. the Chancellor of the Exchequer had endeavoured to get rid of the charge by a sort of *tu quoque* argument, in saying that the Opposition had done the same thing when in office. But the cases the right hon. Gentleman had quoted did not bear him out. Lord George Seymour had certainly held the sinecure office of Wharfinger of Ireland, in addition to the commissionership of excise. It was the custom when those large sinecure offices existed for them to descend in reversion to the children of the holders; and it was in that way that Lord George Seymour had held the office in question. Such was the custom at the period to which he alluded. He was not maintaining that that custom was correct, he was merely showing that the sinecure office which he had named had been given to the Hertford family—improperly perhaps—but like any other gift for length of service or some particular cause. And the principle had been recognised by the Legislature when they allowed compensation for the loss of such offices. But no analogy could be drawn between the cases of Mr. Stevenson and Lord George Seymour, because to the office which the latter held when he was appointed chairman of the Excise Board there were no duties attached. He had no occasion to go to Dublin to attend to the duties of his office there; he had, in fact, nothing to do. But if hon. Gentlemen opposite were now to make the holding of such offices by public servants in former days a plea for conferring upon persons a plurality of offices now, they would inflict a far greater evil on the public than it suffered under the old practice, because at that time the duties of the one office were sufficiently performed, but under the system the right hon. Gentleman would introduce, the duties of the one office would so interfere with those of the other, that it would be impossible for the officer to perform either well. With respect to Sir Francis Doyle, who had also been referred to by his right hon. Friend, the office of Lieutenant of the Tower which he held merely required that he should reside in the Tower during a certain part of the year. And he might argue that while residing there Sir Francis Doyle was very near to his duties in the Excise-office. But it was also to be remembered that the Lieutenant of the Tower was an officer appointed not by the Crown, but by the Governor of the Tower, and Sir Francis Doyle had been appointed to that office by Lord Hastings who was the governor at the time. He would merely add on this point that Parliament in its wisdom had thought fit to abolish sinecure offices, and he would ask were they now prepared to establish a new precedent by giving to one officer two appointments and a double salary, when, as he maintained, it was absolutely impossible for that officer to perform the double duty. He would not enter further into the discussion of the subject until the papers should be laid before the House.

Mr. *Hume* did not think the House was then in a condition to pronounce an opinion upon the subject. He thought, however, that if, as had been said by the right hon. the Chancellor of the Exchequer, a commissioner of excise had sufficient leisure to enable him to perform the duties of another office, it was a sufficient reason for reducing the number of those commissioners. There were now seven commissioners in the excise, and he (Mr. Hume) considered that three would be amply sufficient. He also thought that the number of commissioners of customs should also be reduced to three, and that the present number of stamp commissioners might also very properly be reduced by one half. There were now, he believed, in the three departments he had mentioned, twenty-two commissioners, he believed that nine would be sufficient, and was of opinion that the work would be much better done by that reduced number of commissioners than it was at present, for he had always found that the fewer the number of persons in any office, the more efficiently were the duties of that office performed. He believed that many of the appointments that had been made in the various departments of the revenue had been made on the ground of political influence, and not on the ground of fitness of the parties.

Lord *J. Russell* thought that the noble Lord was mistaken as to the conduct of Lord Glenelg, in reference to his intention to appoint Mr. Amyot. The fact he understood to be, that Mr. Stevenson, having said that he did not think he could go on with the business as a commissioner of compensations if he continued to hold the two offices, that then Lord Glenelg sent the appointment to Mr. Amyot. He did consider that this was not the holding of a double office, but the appointment of a gentleman to a commission which had already gone through an immense deal of business. He would not enter into the question whether such services ought to be paid for or not, but he thought that his right hon. Friend, the Chancellor of the Exchequer, had given a very satisfactory answer on that point. Now the right hon. Gentleman opposite (Mr. Goulburn) seemed to think that, if a person had nothing to do, there was no objection to his holding two offices. It did so happen that this commission of compensation to the West India proprietors had been appointed on the recommendation of the noble Lord who was then Secretary for the Colonies. It was well known that that commission had certainly performed its duties in a manner not only creditable to the commissioners, but in a very exemplary manner. In proof of this remark, the noble Lord read four extracts from an ably-written pamphlet on the subject of the labours of the arbitration commission, showing the multitude of claims that were received and disposed of between the years 1835 and 1840. Now, he thought when this had been the case, and they took into their consideration the delays which always arose in our courts of law and equity in respect to claims for compensation or disputed property, he thought Lord Glenelg had made a most judicious appointment in the person of Mr. Stevenson. He did not know what course the noble Lord opposite might hereafter take, but he believed it to be notorious that there were many persons holding two offices, some of them involving considerable duties; and he begged to assure the hon. Member for Kilkenny (Mr. Hume), who seemed to imagine that the public service was neglected, that, in respect to those who were placed in the subordinate situations in the public departments, he did feel sometimes, not that he had to reproach those persons for not giving a greater portion of their time to the public service, but that on the contrary he found their attachment to the public service was such that many gentlemen undertook a degree of labour which had frequently drawn from him the observation that they must be ruining their healths.

Mr. *Irving* could not help giving his testimony to the conduct of the three commissioners of compensation. He had himself received a variety of claims from the Crown colonies, the West Indies, and particularly from the Mauritius, all of which had been decided with a despatch and in a manner which was highly creditable to the commission. He knew that it had been under discussion to present a memorial to her Majesty's Government to represent that the remuneration which these gentlemen were about to receive was quite inadequate to the value and extent of their services; and if such a memorial were adopted, he should be glad to present it himself.

Motion, as amended, agreed to.

Abolition of Capital Punishments.] Mr. *Ewart* rose, pursuant to his notice, to move for the entire Abolition of the Punishment of Death. He confessed he did not rise to make the proposition without emotion. Nor would he have ventured to make the attempt but for two reasons; in the first place, on account of the deep conviction which he entertained on the subject; and in the second place, because he knew that, in making it, he was supported by many of the best, and by some of the wisest, persons in the community. In approaching this question he should discard the religious view of the subject; he held that religion was too sacred a topic to be profaned by the heats and animosities of a political assembly. He should also discard the abstract view of the question. Those who wished to pursue it in a theoretical point of view might be referred, on each side of the question, to the writings of Beccaria and Filangieri, with their commentators, Benjamin Constant and Voltaire. The simple position which he should assume was this; that society had a right to inflict such an amount of punishment as was necessary to its safety and preservation, but no more. The necessary amount of punishment changed at different periods of society. It was a varying term. The question, therefore, now before the House was, whether the punishment awarded in extreme cases was any longer necessary for the safety and existence of society. He would then at once proceed into the practical and statistical view of the subject; and he would first endeavour to show that, by the mitigations which had taken place in the criminal law, crime had not increased, and that in almost all cases it had been diminished. Hon. Gentlemen who looked back to a period of ten years would find, that in the ten years preceding that period, in this capital alone, 221 persons had been sacrificed to the sanguinary laws then in existence; on the other hand they would find that, in the ten years which had elapsed since, instead of 221, only twenty-one persons had fallen victims to the law; yet persons and property were safe, and society was more tranquil in the latter period than before. The first evidence which he should adduce to show that a diminution of crime had been the consequence of the abolition of capital punishments was derived from returns having reference to England and Wales, recently laid before the House. Hon. Gentlemen would recollect that a great abolition of capital punishments took place about the year 1833. The number of executions in the five years ending at the close of the year 1833, amounted to 259; the number of executions for the five years ending at the end of the year 1838, amounted only to 99, being a diminution in the two corresponding periods of no less than 160 executions. Yet so far was crime from increasing, that the commitments for crimes which were capital at the beginning of the two periods, were 650 less during the years of mitigation, than during the years of capital punishment. The fact could not be disputed. The next proof he would bring forward to show that the abolition of capital punishments led to a diminution of crime, was derived from the criminal returns for London and Middlesex. In the statistics for London and Middlesex, as in those for England and Wales, the executions had greatly diminished from 1830 to 1836. The executions in three years, ending with 1830, were 52. In three years, ending with 1836, for London and Middlesex, there were no executions; yet the convictions for crime, heretofore capitally punished, were less in the latter period by 127, showing thus a remarkable diminution of crime consequent upon the abolition of capital punishment. In the three years after the abolition of capital punishment there was not a single execution. He would now refer to a later period, after the bill effecting a considerable abolition of capital punishments had been introduced in 1837, by the noble Lord, the Member for Stroud. It would be seen that, though executions had greatly diminished, in consequence of this change, crime had also diminished. During the three years previous to the passing of the bill, there were 85 executions. During a similar period, after the passing of the bill, there were but 25 executions, yet the commitments of the latter period for offences which were capitally punished were less by 115 than the commitments of the period when capital punishments were in existence. In these statements he had shown that the *abolition* of capital punishments had tended towards the diminution of crime, and he would now proceed to prove that *commutation* of punishment produced, in an equal ratio, a diminution of crime. This would principally apply to murder, that being nearly the only crime to which the penalty of death was virtually retained. In a certain number of years, when capital punishments were inflicted, the average was 15 executions for murder. In a similar number of years, when mitigated punishments were substituted, the yearly average was only seven. The average of crime was thus less, in a considerable ratio, during the period of mitigation. This statement applied to England and Wales; but the returns for London and Middlesex would further show that crime had diminished one-fourth in a relative period, after the law had been mitigated. Those returns had been laid before the House a few days ago, and they afforded a most satisfactory confirmation of the truth of his assertion—that the commutation of the punishment of death led to a diminution of crime. The returns showed that during five years the commutations amounted to 39, and that, in no single instance, was commutation attended with an increase of crime, but, on the contrary, that a decrease had taken place. It appeared that the year after the commutation the commitments were reduced from 83 to 33, thus affording a gratifying proof of the consequences attendant on commutation of capital punishments. The effect then of mitigation had been the same as the effect of the abolition of capital punishment. He had hitherto confined himself to this point, that both the abolition of capital punishment and the mitigation of punishment had been followed by a diminution of crime. He would now proceed further, to show that the mitigation had been followed by a greater certainty of punishment. This was the rule laid down by Beccaria, Blackstone, and Romilly, that the mitigation of the punishment increased the certainty of the punishment. He would take four species of of crime which had been much mitigated by the bill of 1837, as an evidence of the truth of his position. The crimes were burning, attempt to murder (such as cutting and maiming), robbery, and burglary. He would take the proportion of commitments of the twenty years previous to the mitigation, and compare it with a like period after the mitigation had been conceded. The proportion of the convictions to the committals would prove that the abolition of the punishment of death had rendered the substituted punishment more certain. During the period while capital punishments remained, there were between 2,000 and 3,000 acquittals, so that in reality impunity of crime was the offspring of the punishment of death. Those therefore who advocated the continuance of the punishment of death were the real encouragers of the impunity of crime, and not those who wish to abolish capital punishments. The next proof he should bring forward was from the returns furnished in the present week. By those returns the fact would be proved that in a given period since 1837 a larger number of convictions had taken place than in a corresponding period before the abolition of the punishment of death. The executions before the abolition, in such given period, were eighty-five; in a similar period after the abolition, only twenty-five, showing thus a diminution of sixty. Yet, after the abolition of capital punishments the convictions increased in the stated period from 1,536 to 1,788. A great increase of convictions had thus occurred, proving that punishment had become more certain, since the punishment of death had been abolished. The mitigation of the law had thus ensured a greater certainty of punishment. He would now proceed to show, that in cases of murder, such crimes became fewer as the punishment was made milder. In twenty-six years, ending with 1835, the executions for murder were fifteen yearly, and the proportion of persons convicted was twenty-five. In three years ending with 1838, there were only seven executions yearly, a diminution of more than one-half; but the convictions amounted to twenty-nine. The ratio of twenty-nine to twenty-five proved, even in the case of murder, that the certainty of the punishment was increased, although the penalty of death was diminished. In the returns for England and Wales the same results would be found. In twenty-one years, before 1830, the executions were thirty-eight, and the proportion of convictions eighteen. In eight years, ending with 1838, the executions were seven, but the proportion of convictions was thirty-two. In the proportion of thirty-two to eighteen had the convictions increased since the law had been mitigated. These returns, which he had necessarily condensed, placed the subject in a clear light before the House and the country. He might have made more copious extracts from them; but his object had been to afford a distinct, and yet a comprehensive view of the subject. A reference to foreign countries would also show that a diminution of crime was followed by a greater certainty of punishment. In France a result similar to what had occurred in England had taken place. The present king of the French had early in his reign declared himself an enemy to capital punishments. When M. Lucas, the celebrated jurist, headed a deputation from the *Société de Morale Chrètienne,* he received this assurance from the sovereign; and the reign of Louis Philippe had been marked by a diminution of the punishment of death. In cases of murder in France the same result had occurred as in England, as would be seen from the Government tables. In two years before 1827, the number of capital punishments was 124. In two years, before 1837, the executions amount to but thirty-three. Yet the crimes of assassination fell from the number of 434 to 407, while on the other hand the convictions increased in the second term over the first term in the proportion of sixty-eight to fifty-eight. Here again it was proved, that mitigation had at once diminished crime, and increased the certainty of punishment. He who consulted the French returns would find that a still stronger case could be made out with respect to the crime of poisoning in France. The present very enlightened sovereign of Belgium was also the avowed enemy of capital punishments. They would find that in Belgium also, with the diminution of capital punishment for murder the crime of murder diminished, and that too in times of great excitement. In the four years ending in 1829 there were executed seventeen persons. In the four years ending in 1834, none. Yet the number of murders tried fell from forty-five to forty-one, and they had the authority of an eminent Belgic jurist, M. Ducpetiaux, for the fact that certainty of punishment was increased (as in France) by the mitigation of penal legislation. This experience was not of modern origin. Need he remind the House of the testimony of Leopold, Duke of Tuscany, and cite his celebrated Edict?

> "With the utmost satisfaction to our paternal feelings we have at length perceived that the mitigation of punishment, joined to a most scrupulous attention to prevent crimes, and also a great despatch in the trials, together with a certainty and suddenness of punishment to real delinquents, has, instead of increasing the number of crimes, considerably diminished that of the smaller ones, and rendered those of an atrocious nature very rare."

An *Hon. Member*—But the punishment of death was afterwards introduced.

Mr. *Ewart.*—It was introduced after the French revolution, but he had a high authority for saying, that the crime of assassination was more rare before the re-introduction of the capital punishment than afterwards. This testimony was given by Berlinghieri, who expressly stated that "assassination of all sorts had been much less frequent during the period of mitigation than since capital punishment had been revived."

On the important subject now before the House he was of opinion the experience gained in our distant possessions ought not to be overlooked. They would show the successful result of the remission of capital punishment. He would advert to that period when Sir J. Mackintosh presided at Bombay. During the seven years that Sir J. Mackintosh presided as Judge of the Supreme Court of Bombay, there was no capital execution whatever. Yet crimes very considerably diminished. And Sir J. Mackintosh thus concluded his farewell address to the grand jury at Bombay:—

> "This small experiment has been made without any diminution of the security of the lives and properties of men. Two hundred thousand men have been governed for seven years without a capital punishment, and without any increase of crimes."

In another part of India also the abolition of capital punishment had been accompanied with a diminution of crime. In his communications from India, Sir C. Metcalfe, the government officer at Delhi, in the year 1815, said, that in that district they never punished with death. He added his belief that it was not necessary for the good of the community. Even in the case of murder (he added), the certainty of severe punishment operated more severely than the possibility of capital punishment. "Capital punishment," (he continued) "is the least certain of any. He had thus briefly gone over several of the statistics and details derivable from our own and from foreign countries. He should feel that he had not dealt justly with the subject if he did not allude—as nearly all the petitions before the House had alluded—to the demoralising and degrading effects produced on those before whom the awful exhibition of an execution took place. Could it, he would ask, possibly take place without violating the feelings, and tainting the principles of the spectator? Such scenes were scenes of profligacy and impiety; the ribald jest—the profane oath—this was almost the only language heard at what he would call the *Saturnalia* of the gallows. Nor was it only on the guiltless spectator that this bad effect was produced—the effect was equally pernicious on the minds of criminals themselves. He had before him the unexceptionable evidence of a respectable clergyman, who stated that he had attended 167 persons doomed to execution; that he positively ascertained how many of them had themselves witnessed executions before. He found that out of the 167, 164 had repeatedly been present at executions. On stating this fact to Mr. Wontner and Mr. Cotton, at Newgate, they assured him that it was very rarely that any one suffered the penalty of death there who had not seen the same punishment repeatedly inflicted. So far from such spectacles diminishing crime, they appeared to augment it. With these facts as well as these figures before them, he asked the House on what grounds they retained capital punishment in their tables of criminal legislation? He ventured to ask hon. Gentlemen how many they could find, if they searched, among all, that were most distinguished in the annals of this country, who were friends of capital punishment? Had not Dr. Johnson, who was the last man to adopt any speculative theory; had not Mr. Burke, Mr. Wilberforce, Mr. Pitt, Mr. Canning, Sir J. Mackintosh, Sir Samuel Romilly, the enlightenment of whose understandings were equal to the benevolence of their hearts, advocated the discontinuance of capital punishment? With these figures, with these facts, with these authorities before them—he maintained that on those who insisted upon the continuance of these inflictions lay the *onus probandi* of justifying them, not upon him, who had shewn that they had failed, not upon him and those who with him asked for their extinction. He called upon the House to say why, with this *primâ facie* case against them, they retained such a form of punishment unsupported at once by evidence and by opinion? Why, having abolished capital punishment in other cases, did they retain it in the case of murder? They had abolished it in other cases because public opinion had made its way into that House, and demanded that abolition for which the enlightened few had so long pleaded in vain. But if they had conceded so much to public opinion, would not that same public opinion be now still more disinclined from executions, when, instead of being frequent as formerly, they had become much more rare? Would the public patiently endure this contrast between obsolete usages and modern feelings? The effect of the rarity of capital punishments would be to render them more intolerable to the people. Public opinion would act with still greater force in demanding their repeal than when such punishments were more frequent and consequently less revolting. But let him be permitted to ask, were we not in a better state to abolish capital punishments than we had been some years ago? We had now an improved police, an improved system of prison discipline, and the extended benefits of general education. These were so many safeguards of person and property—so many securities against violence and disorder. If ever there was a period when the Legislature could afford to put this great experiment to a trial, it was now, when so many more securities against crime existed, than when they first commenced their career of mitigation. Let him be permitted to ask why, above all, capital punishment should be retained in the case of murder, which might almost be said to be the only case in which it was now inflicted? The man who committed that dreadful crime did so either from calculation made beforehand, or from the impulse of a moment. It might generally be attributed to impulse, but he would take either point of the dilemma. If a man committed murder from calculation, it was quite clear that capital punishment had not the power of restraining him, because he had calculated all results beforehand, and proceeded wilfully to commit the act. In that case, therefore, capital punishment was not effectual. On the other hand, if he acted from impulse, he overlooked the consequence, and here again capital punishment was found to be of no avail. In the one case, the criminal acted from forethought, and deliberately despised the punishment; in the other he acted upon impulse, and overlooked it. If the arguments used against capital punishment had any weight in common cases, they were infinitely stronger in cases of murder, where impulse predominated, and swayed the criminal far more than in other crimes. He saw the right hon. Member for Cambridge smile, but he could assure him that the argument which he treated so lightly, was supported by one of the most eminent writers at present in existence. He (Mr. Ewart) expected that the old apology would make its appearance, that before we got rid of the punishment of death, we ought to be prepared with some efficient substitute. He (Mr. Ewart) did not think such a consideration ought to stand in the way of the great principle of the abolition of capital punishment. We had already imprisonment and transportation to the penal settlement as substitutes. They were punishments as strong as any which existed in many foreign countries. But it was idle to say that we could not immediately find more severe punishments than these. It could be easily and briefly done. This, therefore, he considered an insufficient argument. But then it was contended that if we abolished the punishment of death, the consequence of our reform must be the immediate substitution of a punishment still more severe than death. It was not, however, the severity of capital punishment, but its peculiar nature which prohibited its infliction. It was the responsibility which attached to it—it was its irrevocability if it should happen to be unjust, at which mankind paused, shuddered, and recoiled. The same jury which hesitated at pronouncing a man liable to the punishment of death, would have no scruple to inflict a punishment which some might deem justly more severe; since it was the nature of the punishment, not the degree of its severity, which caused the dislike, the resistance, and the horror of the public. But it was not only the jury, (so justly denominated the conscience of society) which, by its repugnance to this mode of punishment, uttered a faithful echo to the voice of the public. Consult the whole course of our criminal proceedings, from their commencement to their termination, it would be found that, from the commitment of an offender to his conviction, and even beyond it, a constant action of public feeling against capital punishment was prevailing which repelled the power of the law from the date of the indictment to the period of execution. It had often been said that the prosecutor might be unwilling to prosecute, the witnesses to give evidence, the jurors to convict. Any one of these obstacles was sufficient to denote the general feeling of society, and to suspend the execution of the law. But there were other impediments besides. The judge himself might be scrupulous in awarding an irrevocable punishment. But, even then, the resistance to capital punishment did not cease. The Home Office was besieged with applications for mercy, petitions were poured into the House of Commons (they had just seen it done in the case of the Monmouthshire insurgents), and in the last resort the Crown was appealed to for pardon. The opposition to capital punishment thus dictated by public opinion acted in every stage of our criminal proceedings; and in every stage it tended to enfeeble justice and embolden crime. But if public opinion were brought to work in favour of the punishment decreed by law, we should then have crime suppressed, not only by the force of the law, but also by the weight of public opinion coming in support and sanction of the law. He entreated the House to consider the advantages which would arise from bringing public opinion to co-operate with, instead of counteracting, the law of the country. Justice would then act steadily and uniformly; it would move in its prescribed orbit undisturbed by that centifrugal force which now constantly controlled its movements, and disinclined it from its course of consistency and truth. Consider, too, that the maintenance of capital punishment was the maintenance of the old principle of revenge—the *lex talionis*—for which we were substituting repentance and reform. The ancient system had been one of vindictiveness and retaliation, while our more modern system was one of prison-discipline and amendment. Could they continue a system, involving a principle contradicted by their own recent practice? Whatever difference of opinion might prevail as to the extent to which the modern and more merciful principle ought to be carried, it could not be denied that the principle of revenge was recognised by the existing law: In spirit, though not in extent, it sanctioned the retaliatory, the vindictive, the sanguinary principle—soon, he trusted, about to be exploded—

"The lifted axe, the agonising wheel,
Luke's iron crown, and Damien's bed of steel."

He could not conceive a duty more important in a Legislature, than to impress upon the people the sacred inviolability of human life; nor a duty more imperative upon it, than to set an example of regard for that inviolability in its acts of legislation. How could we expect the people to turn from scenes of horror and blood while they were legalised and sanctioned by the laws of the land? Let us abolish such dreadful inflictions, and we should diminish crime. Let us humanise our punishments, and we should humanise our people. He had ever thought that the people should be imbued with a horror of scenes of bloodshed, and that it was the duty of the state, in the words of our own immortal Milton, "to imbreed and cherish in a people the seeds of civility and public virtue; to allay the perturbations of the mind, and set the affections in right tune." Laws which should have the effect of disusing the people from the contemplation of sanguinary punishments, while they were the best safeguards against despotism and tyranny, would also be the best security against crime and disorder. A nation disused to the sight of blood would be the less disposed to engage in enterprises which might lead to its effusion when scenes of disorder or anarchy arose. The people would shrink from exhibitions of horror and bloodshed, and the Legislature would thus give an additional guarantee for the execution of justice in mercy, the preservation of the good order and peace of society, and the extension of feelings of benevolence and justice. Hitherto, only for short intervals, and in smaller states, the abolition of capital punishment had been tried. He confessed he wished that ours should be the first of modern nations entirely and lastingly to abolish it. Such a course would be worthy of the fame, the intelligence, and the Christianity of our country. Impressed with these reasons, impelled by these feelings, he called upon the House to assent to the proposition which he now laid before them, and to resign the awful attribute of dispensing with human life into the hands of Him who gave it. The hon. Gentleman concluded, by proposing a resolution for the entire abolition of the punishment of death.

Lord *J. Russell* said, that paying, as he was ready to pay a tribute of respect to the motives of the hon. Gentleman in bringing forward this motion, and to the ability with which he had introduced it—he could not admit that, with that object in view, the hon. Member had adopted the proper course in submitting a resolution on the subject. It appeared to him that if a matter of this grave importance was to be decided by that House, it ought to be according to the ordinary forms and proceedings. Leave ought to have been asked to bring in a bill, and if the House recognised the principle so far as to allow of the bill being brought in, it might have been discussed in its subsequent stages, and the attention of the House would have been fully called to it. If the hon. Member had moved for a bill, and had obtained the permission of the House to introduce it, that would have been so far a recognition of the principle; if, on the contrary, the House did not assent to the introduction of the measure, there would still have been a decision of the House against it; but proceeding by resolution might be productive of this inconvenience, that a certain principle would have been affirmed by that House. while the judges and the executive, presiding over the administration of the law, would be bound to act upon a different principle. The resolution, if carried, might have a very popular effect, while, at the same time, neither the judges nor the executive would feel themselves authorised by the letter of the law in acting upon a resolution of that House. He, therefore, thought that the hon. Gentleman ought not have proceeded by way of resolution, but ought to have adhered to the ordinary course in seeking an alteration of the law. With respect to the motion itself, he (Lord J. Russell) was unwilling to enter into a discussion against the arguments in favour of the abolition of the punishment of death, because, when capital punishments were more frequent, he had entertained the opinion that those punishments ought to be inflicted with less frequency, and the number of capital crimes constituted by our penal code ought to be lessened, and he could not help feeling that many of the arguments advanced when he had the honour of acting upon a committee, of which Sir Jas. Mackintosh was the chairman, and when he had the honour of voting with Sir Samuel Romilly on this subject, were in accordance with the spirit with which the hon. Gentleman now brought forward this motion. With regard to those arguments, and in the first place the statistical details submitted to the House, they must be so far satisfactory and consolatory to the House, as they showed that what had hitherto been done, had not been imprudently or unsuccessfully done—that it had not the effect of increasing crime, or of rendering less certain the punishment of crime when proved. On the contrary, the changes which had been made, had tended to diminish the general amount of crime, and where crime was brought before a court they ensured conviction in cases where it ought before to have taken place, but where a sentiment of humanity had induced juries, not certainly in conformity with their oaths, but with an overpowering feeling, to acquit those who were accused before them. But, while the hon. Gentleman's statistical details, proved this much, he did not think they entitled the House to infer that if they ventured to make a similar change with regard to other and graver crimes—more especially with regard to that one which the hon. Gentleman said was the only one to which, in practice, the punishment of death was applied—the effect would be similar. It should be observed, in the first instance, that many of the crimes to which the punishment of death had formerly been affixed, such as sheep stealing and stealing in a dwelling-house, were not considered crimes of such horror that they ought to be punishable with death, and therefore a sympathy was excited in favour of those who suffered that extreme visitation of the law; but with regard to murder, the crime itself created the greatest horror. If any dreadful and atrocious murder were committed, it excited in the public mind a feeling very different from that which was excited by the circumstance of a sheep being stolen, or a larceny being committed in a dwelling-house. The former offence naturally excited a very great degree of horror. The hon. Gentleman said, that the crime of murder was one of calculation, and, if so, he argued that the very existence of the crime showed that the laws were not effectual. That argument was, in his opinion, not good; for the same argument might be used in reference to any species of crime. It might be said of those crimes to which the slightest punishment was apportioned, that the existence of those crimes proved that the punishment was not sufficient. Taking into consideration all the circumstances, he thought they could not lead one to the supposition that the punishment of death should be abolished, for it appeared that the hon. Gentleman was not prepared to propose a substitute, by means of which murder would be at once done away with, for if not at once done away with, the same argument might be used against his proposition, for it might be said, that it had failed in its effect, as the crime still existed. The real question was, whether a number of persons, besides those who actually committed the crime, were not deterred from committing it by the existence of the punishment of death. His opinion was, that there were a greater number of persons deterred from the crime by the fear of this punishment than would have been deterred by the fear of any punishment of a minor character. This was a matter certainly which was incapable of proof; but those who committed the crime well knew that they could have no expectation that these cases would excite the sympathy of the public, or that they could escape by the sympathy of the jury. He would take some atrocious case of murder—that, for instance of Greenacre. Was there any feeling of sympathy in the public mind towards him?—or that it was thought the punishment of death at all disproportioned to the enormity of his offence. He was aware that there was a portion of the community which conceived that there should be no such punishment as that of death, but the great mass of the public was of opinion that murder was properly punished by death, in order to deter others from the crime. He wished it were possible to frame a law to separate the atrocious cases from those of a more mitigated nature, for such cases as the latter came frequently before him, when it became his painful duty to investigate their character. There were many cases where great provocation was given, and which involved a very different offence from that of wilful murder; but, on the other hand, there were murders arising from revenge, from malignant passions, and from the hope of gain, and from deliberate plots of plunder. He should be glad, indeed, if he could come to the conclusion that society would be sufficiently protected by not taking the lives even of such offenders as these; but he thought the risk was sufficient to induce him not to assent to the proposition, conceiving it to be the paramount duty of the Government to protect the innocent and unoffending portion of the community. There had been already an immense change with respect to the mitigation of the criminal law. By the last tables laid before the House, the number of persons executed in 1818, was ninety-seven; in 1828 fifty-nine; and in 1838, only six; being about one-tenth of the number in 1828, and one sixteenth of the number in 1818. That was an immense change in the law in the course of a few years in favour of humanity and improved legislation; and when the hon. Gentleman said, that the spectacle of an execution brutalised the people who witnessed it, he thought the objection was removed by the change already made in the number of executions. The frequency of these executions might be said to harden and brutalise the people, but when the number of executions were small, he thought the effect would be greater, as being the solemn award of justice in cases of grave and atrocious crime. The hon. Member had said that the persons who went to these executions indulged in the most reckless gaiety and unconcern. He agreed with the hon. Member that such might, in some instances, be the case, but he did not think that that effect was produced by witnessing the execution; for if that feeling had not been manifested in that way it would be in some other equally objectionable. This, then, was his opinion as to the total abolition of the punishment of death; but he was far from saying that he did not indulge hopes that the condition of society would become yet so far improved, that the aversion to the shedding of blood would gain such strength, that, without danger to the innocent and unoffending, the abolition of death as a punishment might be effected. Such, however, was not the state of society at the present period, and if the punishment of death were abolished, he feared the effect would not correspond with their wishes. He would ask the House to consider the great peril of an unsuccessful attempt to abolish the punishment of death. Hon. Gentlemen must know, that as far as they had hitherto gone, the friends of humanity had no reason to complain; but if they were entirely to abolish the punishment of death, and if some cases of revolting offences should occur, a revulsion of public feeling might take place in the public mind, and instead of hastening the permanent abolition, they might have to admit that they had gone too far, and be forced to go back further than where they now stood. For these reasons he could not at once agree to the abolition of capital punishment. He regretted to have come to that decision, but he differed in opinion from a large portion of the community, and he thought it prudent to pause, rather than at once to decide upon the entire abolition of capital punishment.

Sir *Stephen Lushington* agreed with the noble Lord that nothing could be more detrimental to the due course of justice than that the House should agree to a resolution that capital punishments ought to be abolished without taking any steps towards legislating on the subject, leaving the Home-office to carry out the laws under the ban of an expressed opinion of the House. The course of the hon. Member ought to be to move for leave to bring in a bill, and it was his intention, in order to remove that objection, to move, as an amendment to the motion, that leave be given to bring in a bill. Having had no intention of taking any share in the discussion, he yet felt himself constrained to make some observations upon the arguments adduced by his noble Friend. A considerable number of persons in the kingdom were of opinion that punishment by death is contrary to the law of God. The theological part of the argument he would not meddle with—his argument to the House of Commons would be upon a very different and a very distinct principle. He knew no reason why there should be any punishment save for the prevention of offences or for the reformation of the offender. With respect, then, to the prevention, he would say, that if he thought capital punishments were necessary in order to prevent crime, they should hear from him no argument against the lawfulness of such punishments. The prevention of the offence was the very question at issue, and what had his noble Friend said in reference to this point? The chief part of his argument rested upon the readiness of juries to convict, and he quite agreed with him as to the fact, but he drew a very different inference. He believed, if a crime of atrocious character—if a horrible murder—were displayed before a jury, there would be always a disposition to convict whatever might be the testimony. He remembered having been told by an eminent judge of the present day, Mr. Baron Gurney, that in proportion to the atrocity of the crime was the facilty of conviction. This was the very matter which alarmed his mind. There may be cases in which conviction might be obtained on other than conclusive evidence. Though this disposition to convict was the feeling of juries, yet it was not the feeling of witnesses. No witness ever went into the box who did not endeavour to weaken and modify his testimony. He knew that the life of man was dependent upon his words, and he, in consequence, was apt to hesitate and doubt about matters of which he was previously certain, lest he should be mistaken, and be thus the occasion of death to a fellow-creature. Let them, also, consider what must be the feelings of the judges who had such an awful responsibility upon them. A judge well knew, that upon his summing up depended the life of a fellow-creature, and he therefore displayed a laudable astuteness in searching out those points which were calculated to acquit the prisoner. Would this be so if the punishment were less than death—if time were left for subsequent investigation? The judge well knew, that when sentence was once passed, it was quickly executed, and there was then an end to all human power of examination into the testimony. To prove that cases happened in which convictions improperly took place, he would mention, that he had known two cases in one sessions, in which free pardons were given after conviction; and yet, in the face of such facts, and looking at the uncertainty of all human evidence, would they shut the door against all subsequent inquiry, by executing on such convictions as those to which he had referred. Let them not say to him, that it was indispensable for the safety of society, that they should be under the painful necessity of occasionally sacrificing an innocent life. Where was their proof of any such necessity? They had evidence to the contrary. When he first commenced his examination into the criminal laws, some twenty-five years back, the scaffolds throughout the country were reeking with blood. Since that period, by very slow degrees—far, far too slow—they had in many cases abolished capital punishments, and he would ask them boldly, had that experiment failed? or rather, had it not been attended with the most signal success? They had prevented impunity for crime—they had protected the interests of society, and they had saved the country the spectacle of such a vast number of executions. In the midst of their power and authority they had one limit, and that limit was prevention of crime, and the reformation of the criminal. If they attempted to punish guilt, they stepped beyond those limits, and were trespassers on the authority of him who said "Vengeance is mine." His noble Friend had said that there might be a change of public opinion, and that such change might be adverse to the views of those who sought the entire abolition of capital punishments; but it should be remembered that they had originally fought up against public opinion. The bankers and merchants of London were all against them originally, and yet now that capital punishments for forgery are done away with, he asked a most eminent banker, a few months since, as to the effect of the mitigated punishment, and the answer was, that they knew nothing of forgery in the city of London now. The reason was obvious—it was, because every offender was prosecuted, and every witness spoke the truth without hesitation, for he was no longer terrified with the idea of consigning a fellow-creature to the scaffold. While they endeavoured to accomplish what was proposed by his amendment, or by the object of the present discussion, they made a great experiment in favour of humanity, upon the good feelings of the people of England, which hitherto had upborne them in their efforts in this respect; and as they now experienced the benefit of the abolishing of the punishment of death for some crimes to which it had previously been attached, it was not likely that the people of England would turn round upon them then, and oppose them in their further efforts to ameliorate the penal criminal code of this country. Not a single execution now ever took place in a provincial town in England, that every respectable individual resident in it, or its neighbourhood, did not remove their wives and daughters and families, lest they might be disgusted by that horrible and awful exhibition of the extreme penalty of the law. He would call upon them to consider the crime of murder, then, horrible and atrocious and revolting as it might and should be deemed, but he begged of them not to fall into the fallacy of supposing that the frequency of an offence was a cause for continuing the punishment attached to it. They could not deny but that the commission of some crimes heretofore adjudged in the highest degree penal, had been rendered more infrequent by the abolition of the punishment of death. He believed even should more murders unfortunately follow, the abolishment of the present punishment, that their commission might result more from circumstances over which they could have no control—from circumstances by which weak, erring humanity, was likely to be influenced—than from the cause that others might assign—namely, the removal of the legal punishment hitherto attached to that crime. But then another totally different question here arose, and that was, whether it were not the more fitting duty—and this he would wish to impress upon them—whether it were not the more legitimate object of the House of Commons to look more to the prevention of crime than its punishment. Would it not be more deserving for that House to endeavour to improve the general moral condition of the people at large to educate them, to impress upon their minds the great doctrines of the Christian religion, the great social obligations they had to perform, and the final future consequences of departing from those great principles which the Author of that religion inculcated. Much had been given to man for his redemption; and much they might do in ameliorating his condition by explanation, example, and instruction; but it could hardly be denied, that the fear of punishment went but a very small way in preventing the increase of guilt. His opinions differed from much that had fallen from his noble Friend near him; but he agreed in that particular part of his noble Friend's speech where allusion had been made to the dreadful and brutalising effects upon the minds of the community produced by the frequency of public executions. He agreed, and they all should agree, that these public executions—these exhibitions of scaffolds and human blood pouring forth—did debase, and lower, and brutalise the public morals, and the public mind. But the noble Lord had gone on to argue, that, because now the number of those executions had been considerably diminished, the mischief arising from them was not so great. Now, for his own part, he did not agree with his noble Friend in that proposition, but thought that the mischief was proportionably greater in consequence of the executions being fewer. He thought, that if one hundred executions in a year brutalised the public mind, six would do so in a twenty-fold greater degree. What was the case now if an execution was to take place in any part of the country? Why crowds, thousands of the lowest, and almost entirely the lowest order of people, from the most remote and distant parts hurried them to witness it. There might, indeed, be a few amongst whom the depraved curiosity to witness the death of a fellow-creature brought there, but by far the greater number was composed of the lowest classes, who were thus familiarised with the sight of blood, and thus was made known to them the very last extent of human suffering; and that sort of awful feeling which God had spread over the face of death, was, in some degree, abolished by such an exhibition as a public execution. He would ask them to remember the last execution in London. A short time subsequent to that an unfortunate and wretched woman had appeared to sustain a false accusation against some person. She had alleged, that she had been ill-used in some barracks, but on subsequent examination she had been discovered to have foresworn herself; and it had turned out, that on the morning of the very day on which she had falsely stated the offence to have been committed, she had been to witness the public execution he had alluded to. Thus it appeared, that the very fact of having seen that exhibition had been a sort of inducement or temptation to her to commit the crime of perjury; or, at least, it had not deterred her from that guilt. He could tell his noble Friend, that the people became more depraved and hardened from the sight of public executions, and would tell him, that during the time that executions for forgery had occurred he had himself known an instance where a young man of previously good character and unimpeachable morals, who having for the first time attended one of those executions, had committed the offence of forgery within forty-eight hours after. They might depend upon it, that so long as human life was at stake, and the likelihood of considerations being entertained for the ordinary failings which actuated the criminal by jurors, so long would there be a strong objection to find a verdict of guilty. And he addressed himself, then to every individual in that House, and called upon them to answer the question upon their honour as men, would they not, as jurors, require in such a case longer time for deliberation and more complete evidence before they came to a verdict when the life of a human being was at stake than when the punishment was simply transportation? He conceived he had in some degree demonstrated to them, that capital punishments were injurious to the public mind, and interfered with the course of justice, because the latter was frequently not so fully carried into effect, because jurors did not while considering the consequences of their verdict, wish to torture their minds by the danger of hereafter considering the possibility that they had in some degree been instrumental in causing the innocent to suffer. He would, without trespassing any longer on the attention of the House, implore it earnestly not to look at the present question merely with a view of saving the lives of a few innocent persons, though he was sure that was a most important and worthy consideration, but he besought it to keep most particularly in view the necessity of protecting the minds of so large a portion of the community as formed the then innocent part of it, from the contamination and the brutalizing and demoralising effect of public executions. He concluded by moving, as an amendment upon Mr. Ewart's motion, that leave should be given to bring in a bill, which would have for its object the abolition of capital punishments.

Mr. *Ewart* had no objection to withdraw his motion, as the amendment would fully meet his views; his principal wish having been to bring on a discussion on this matter, and test the opinion of that House concerning it.

Mr. *Goulburn* said, although by the form of the motion as it then stood, one of the chief objections which the noble Lord opposite had urged against it might have been removed, yet he could not avoid addressing a few words to the House on the present question. In much that had fallen from the right hon. Gentleman who had just addressed the House, he fully agreed. He entirely agreed with that right hon. Gentleman that the real and true questions to be then considered were, whether by the proposed alteration of the laws, they should lessen the quantity of guilt, whether by doing away with the punishment of death, they should diminish the frequency of the crime of murder. He (Mr. Goulburn) could not avoid saying, however, that the right hon. Gentleman appeared to him to have mixed up two questions in his speech upon the present matter, and that he had led away the feelings of the House most particularly in favour of that one, which did not, perhaps, belong legitimately to the present consideration. The right hon. Gentleman had alluded to the bad effects resulting from public executions, and had contended that these bad effects were increased by the fewness of the number of those executions. That was a proposition in which he confessed he could not acquiesce. That was an argument which he did not think sustained the motion before the House, or rather the principle contended for by the right hon. Gentleman opposite. Might not the punishment of death be inflicted in a mode otherwise than that calculated to produce those effects which were condemned as so injurious to the public mind? He was not for a moment going to say that secret punishment was not objectionable, and would, perhaps, be considered generally unpopular; but if they found that the punishment of death could not be dispensed with in the case of the commission of murder, and if it was ascertained that public executions had those evil effects on the public mind which had been ascribed to them, it was possible to have the punishment inflicted in a different manner. For his own part, as far as he could come, after most serious consideration, to a conclusion upon the question, he confessed, that having made the fullest inquiry he could into this matter, his opinions were in accordance with those that had fallen from the noble Lord opposite, the Secretary for the colonies. The right hon. Gentleman who had last spoken had told the House that he agreed with the noble Lord that murder stood in a manner apart, stood in a higher distinction, a more prominent position of guilt than any other crime. He had also told them that juries were not generally so unwilling to convict in such cases as in any other description of crime. He had also told them that in proportion to the aggravating circumstances of the offence was their readiness to convict the offender. He argued that persons were more frequently convicted in such cases than in those of minor atrocity. He had told them, however, immediately after, that the judges themselves were so affected by their fears of the consequences of conviction that they even endeavoured to strain a point to turn the scale in favour of the prisoner. The right hon. Gentleman had told them that the witnesses came on the Table not so much with feeling a horror of the crime of murder, or commiseration for the family of the victim, as a strong preception of the fate of the murderer if convicted, and that generally they gave their testimony in a manner that denoted their doubts of their own recollection and memory as to the facts which they had seen. It appeared to him that there was some considerable degree of inconsistency in those several allegations, and for his part he could not conceive how the right hon. Gentleman could come to the conclusions which he had come to upon this matter. He thought if he was in the place of a juror, and was called upon to decide in a criminal matter of the description alluded to, that he should be, perhaps, even more cautious in coming to a final opinion upon the question before him, and more careful in weighing the evidence, than he would be as a witness in giving it. The right hon. Gentleman had even said that the judges themselves would act somewhat in such a manner as it might be calculated jurors ought to act in serious cases; and that on the whole matter, capital convictions were calculated to produce an improper influence on the public mind. The right hon. Gentleman proposed to make an experiment in favour of human life. He thought that was begging the question. He thought that the favourableness of the proposition to humanity depended entirely upon the success of the experiment; and if it was not successful, it would, perhaps, have quite a contrary effect from that mentioned. Instead of being an experiment which would be favourable to human life, it might turn out one exceedingly injurious to it, by removing the restraint and the dread of such a punishment as was now attached to murder. He had at that moment fully before his mind all the arguments used on a former occasion for the remission of capital punishments in offences of a minor description, and he thought all those arguments fully supported the principle that for the crime of murder the punishment of death should be continued. When it had been contended that the punishment of death should be removed as the consequence of the crime of burglary, it had been argued that they held out an inducement, as the law then stood, to the housebreaker to commit murder, in order to prevent himself from the consequences of his offence in case of detection and prosecution. He would ask the right hon. Gentleman, would not his own argument tell, then, in an opposite direction? It appeared to him that, by the adoption of the principle proposed, they held out an inducement to the robber to commit murder, when the penalty attached to both crimes was only the same. By doing this, they destroyed the distinction between crime, and they took away one of the most natural feelings of mankind—natural because inculcated from the highest authority—namely, that when blood had been shed, blood should be shed in return, if it were carried out on a proper and just principle. It was briefly for these reasons that he was induced to coincide in the views of the noble Lord; not, indeed, from any desire to maintain a sanguinary code of laws, but from a firm conviction that by removing the punishment of death from the crime of murder they ran the greatest possible risk, not only of inducing the commission of that crime, but, perhaps, of creating its repetition under circumstances of a considerably aggravated character.

Mr. *Hobhouse* said, in rising to second the motion of his right hon. Friend, the only difficulty he felt was, that the subject had been so exhausted by its mover, that very little remained for him to add to what had been already said. He could not forbear, however, making some comment upon the speech of the right hon. Gentleman opposite, who had just sat down. That right hon. Gentleman had observed, indeed, that there were inconsistencies in the speech of Dr. Lushington, but while he animadverted upon those alleged inconsistencies, the right hon. Gentleman had been guilty of some inconsistencies himself. He entirely agreed with those who had said, that it was better to approach the consideration of the present matter on grounds totally unconnected with religious feelings; that it would have been more advisable to leave scriptural allusion out of that debate; but as the right hon. Gentleman opposite had stated, upon the authority of Scripture, that "whoso sheddeth man's blood, by man shall his blood be shed," he would only ask the right hon. Gentleman, in reply to that observation, were there not many circumstances under which that precept could not be fully acted upon or borne out; and he would also beg to remind him of the punishment that awaited the first murderer. The right hon. Gentleman had also told them, that in cases of robbery there would not be greater punishment than in cases of murder. He had yet to learn that there were not various gradations of imprisonment; and it seemed to him, that the only punishment in which there were no gradations, was that of death. As to what the noble Lord (Lord J. Russell) had said with respect to the willingness of juries to convict in cases of murder, he (Mr. Hobhouse) was sorry to say, that he entertained altogether a different opinion. He believed, that the severity of the punishment tended to prevent conviction. The hon. Gentleman then went on to refer to a number of statistical returns, before the House shewed, that in all cases where the severity of punishment had been mitigated, the number of convictions had increased, and the amount of crime diminished. This applied even to cases of manslaughter and murder. If any one considered the nature of the punishment of death, and looked at the impression made upon the throng assembled round the scaffold, he believed it would uniformly be found that the feeling that obtained there was not one of horror, not one of fear, but a feeling by which the multitude became hardened, and literally acquired a taste for blood. Was this a desirable state of things?—was it one likely to tend to the prevention of the diminution of crime? There was another view which had not been taken of this subject, but which he wished briefly to impress upon the consideration of the House. If the Legislature did not punish murder capitally, it would show, by the example of the state, the inviolability, the sacred estimation in which it held human life, He believed, that this would operate most beneficially. In his opinion the question before the House was, not whether murder merited the punishment of death, but whether the taking away of a man's life was the best and only means of preventing that horrid crime. That the crime of murder did merit the highest degree of punishment, he did not for a moment question, but he greatly questioned the effect produced by public executions upon the minds of all those who, whether it were by accident or whether it were by choice, became the spectators of these bloody scenes. The lesson afforded by history was in favour of the course which he advocated. The time for putting it into full force was most opportune, inasmuch as the public, being wholly unaccustomed to the frightful exhibition of an execution, would gladly witness the adoption of a principle of legislation, by which the recurrence of such scenes of bloodshed would for ever be put an end to.

Mr. *Plumptre* said, that he had voted with the hon. Gentleman in 1837, though he owned, with some doubt and difficulty, when he proposed that death should cease to be the punishment for all crimes, except murder; but, as he now proposed, that capital punishment should be abolished for murder also, he differed from him, and felt bound to vote against his motion.

Mr. *Muntz* observed, that it had been forcibly and truly stated by a moralist, that the worst use to which a man could be put, was that of hanging him, and he fully agreed in the truth of this axiom. The great excuse urged by those who advocated the punishment of death for murder, was, that the Mosaic law commanded that blood should be the forfeit for blood; but if that reasoning were adopted, the punishment of death ought to be awarded to adultery, and many other crimes as the same law declared that to be the penalty of such offences. The fact, however, was, that all such pleas or defences, for the perpetration of the infliction of death were wholly and totally without any scriptural foundation. Society was framed altogether under a different dispensation from the Mosaic code of laws, and the principles of the Gospel upon which our religion is founded were to return good for evil. But there was another consideration to be taken into account, which was the question whether death was the greatest punishment that could be inflicted; and of this he entertained the very strongest doubts. What else could prompt men to commit suicide if death were the greatest of all evils? Suicide proved, that there was a fear that was greater than the fear of death, the fear, namely, of life; and a man often committed suicide because he feared, not death, but the evils which he apprehended a further existence would entail upon him. In many cases the punishment of imprisonment, or of transportation, would prove infinitely more insupportable than the extinction of life, and experience showed this to be the case. There was one other argument which he should just touch upon before he concluded, and that was to ask the House how it could be reconciled to the belief of the doctrines of Christianity to sanction any longer the commission of an act whereby the individual put to death was for ever deprived of an opportunity for seeking pardon by repentance and prayer of an offended Deity for the crime committed by him, although he required time for such repentance more than others did. He for one could not reconcile to his mind the doctrines of Christianity and a future state, with the practice of putting criminals to death for their offences, and he should, therefore, warmly espouse the motion of the right hon. and learned Gentleman.

Mr. *Fitzroy* was of the same opinion as that entertained by the hon. Member for Kent. He believed, that they were only fulfilling their duty in obeying the command conveyed in the text of scripture already quoted, that "Whoso sheddeth man's blood, by man shall his blood be shed." The only course which he could conscientiously pursue was to oppose the motion.

Mr. *Brotherton* would ask the hon. Member who had last spoken if he were to carry out his principle where it would end. He had risen for the purpose of recording his sentiments in favour of the abolition of capital punishment, as he held it as a principle that no man had a right in any case to take away the life of his fellow man. Therefore, when he saw laws enacted for the purpose of carrying into effect a punishment so shocking to the feelings of society, he could not help entering his protest against them as being in contradiction to every principle of humanity and sound policy. It had been shown that capital punishment did not prevent crime, and that crime had not increased in consequence of the mitigation of the severity of the law, and therefore he believed, that they were bound to show how sacred they held human life in their estimation by not daring, under any circumstances, to take it away. If the object were to prevent crime, let them instruct the people in their duty, and teach them the true principles of religion, which would ever be found in accordance with justice, humanity, reason, and common sense. The law of God was simple; it said plainly, " Thou shalt not kill," and until the clergy and Bishops turned their attention to this subject, so as to instruct the people according to right principles, they would never produce that effect which they ought to produce. The Mosaic law had been quoted in support of this vindictive and retaliatory punishment, but the same law said, if an ox should gore a man or a woman, the owner of the ox, should suffer death.—[" *No, no.*"] He said—Yes, yes—and he said what was true; but that punishment in such a case might be commuted by the owner being mulcted in a sum of money, and that showed that the Scripture in this instance did not bear the usual interpretation; and he stated, on the authority of Mr. Bellamy, who had devoted fifty years to the study of Hebrew, and from whom he had presented a petition two years ago, on the subject of the new translation of the Scriptures, that that interpretation was not in accordance with the original Hebrew. He therefore thought they were called upon, by every principle of religion, of reason, of humanity, and of sound policy, to abolish the punishment of death.

Sir *R. Inglis* was not one of those who were disposed to take away the life of one human being more than was necessary for the protection of others. The single question before the House was, in what cases could the infliction of death as a punishment be safely dispensed with most securely to the lives and properties of other men. That wonderful ameliorations had taken place in this respect he was sure he need not remind the House; for within the memory of many hon. Gentlemen who heard him, a case had happened where a woman was sentenced to be burnt alive for the offence of coining, and she only escaped this horrible death by the hazardous mercy of the public executioner, who dexterously strangled her ere he set fire to the wood around the stake; but, as far as the spectators were concerned, the law which sentenced her to be burnt to death was complied with, for, at the distance at which they were from the spot where she was executed, the observers could not distinguish whether she were dead or alive whilst being consumed, the belief being, that the law was actually and literally enforced. This fact, melancholy as it was, would show how very much public feeling had been improved since that period; and this very improvement in the state of public feeling, which rendered such scenes alike impossible and revolting, would also, in his apprehension, render it inexpedient to abolish the punishment of death by a sweeping measure, which, whilst it deprived the crown of one of its dearest and most distinguished prerogatives, that of mercy, would also take away from the executive power all possibility of awarding an appropriate punishment to crimes of an extraordinary magnitude, which unhappily for the credit of humanity, did occasionally protrude themselves on public attention to the general horror of mankind. During the last twenty years executions had decreased in the proportions of ten to one; yet there had been no alteration in the law; the change had been entirely effected by the modification public opinion had undergone, or rather double change—one in the public mind, by which human life was rated at a higher value, the other in the administration, on the ground that the great mass of capitalpunishments had been found ineffectual. Upon the influence of public opinion he thought the House might safely rely. He trusted the motion of the hon. Member for Wigan would be resisted; and as hon. Members opposite had referred to other countries, he would remind them that there was no instance of a state, with one single exception, in which the punishment of death was entirely abolished. As the hon. Member for Salford had referred to the words of the sacred scriptures, he could not but think that whatever construction might be put upon these words, and though it might be stated that the Almighty did not personally inflict the punishment expressed by these words, still it could not be denied that in the code which he had prescribed, there was such an instruction as to the infliction of the punishment of death as must for ever exclude from censure any legislation which should make it a foundation for their laws.

Mr. *O'Connell* did not think the right hon. Baronet opposite had paid himself any great compliment, when he said, that when it was not necessary he would not be for putting a man to death. He should wish to know who it was that would? He would submit to the hon. Baronet, that he could have no right to put a man to death unless it were absolutely necessary, for if he did it would be murder. Now, what the noble Lord, and the right hon. Gentleman, and the right hon. Baronet, had to prove was, that it was necessary to put a man to death for murder—the burden rested on them. They ought to be able to demonstrate its necessity, if it were demonstrable; for those who were for the motion had already shown that every modification of the law of capital punishments had been followed by a diminution of crime. Now that was a consolatory fact. The only proofs admissible were from experience to probabilities, that those things which had happened would occur again. And what had happened already? Why in every country in which punishment by death had been diminished, that every crime, including murder, had also decreased. And with these diminutions had also diminished the disposition of the human mind to commit murder, for thus you mitigated the heart of man; the more you legislated in a spirit of humanity, the more you induced mankind to respect each other, and to spare each other's blood. The right hon. Gentleman had argued, that though they had been so far successful, that was no reason they should expect to succeed if they abolished capital punishments. But they had experience entirely on their side, and this fact authorized them to assume that the probabilities were also with them. References had been made to texts from Scripture. He did not consider this a fit arena for such discussions; for there were in that House men of different persuasions, who had been taught to put different constructions upon the same passages. Moreover, those Gentlemen who referred to those Scriptures were inconsistent, for according to those, one life must be taken for another, and thus the prerogative of mercy must be entirely taken away from the Crown, and they should bring in a bill to take away the distinction between murder and manslaughter. This would be the result of the argument of the hon. Baronet and the hon. Member for Lewes. But even in the Scriptures themselves they would fail to find uniformity. Was not Uriah murdered under circumstances of great atrocity? And yet his murderer did not suffer death. But now we did not live under the stern rule of the Old Testament. We now lived under a more charitable dispensation, in which the principle of revenge was abolished, and that of brotherly love was inculcated above all. Such, therefore, should be the principles that should guide our legislation—the benevolence of Christian charity, not the harsh feelings of the Jewish code. Let them remember, when they argued for the continuation of capital punishment, that when once they put an individual unjustly to death, there was no room for repentance or reparation. A remarkable instance had occurred within his own experience. A man was committed at the Limerick assizes and left for execution. He was by accident enabled to procure from Mr. Justice Burke, the judge who tried him, a respite for a week. Before the week had elapsed it was proved that the man was as innocent as the judge. But if he (Mr. O'Connell) had not obtained that week, the man would have been executed. Would they risk the chance of committing such murders? What reparation could have been made if that man had been executed a week before the day fixed for his death? Did the House forget the remarkable case that lately occurred at Monmouth? Three gipsies were seen in company with a pensioner, who shortly after, on the same day, was robbed, and so severely beaten, that he was left for dead. The gipsies were tried, and convicted of the robbery, and transported to New South Wales, but the Home-office soon found that they were innocent, and had them brought back. Now, if the pensioner had died, the gipsies would have been executed, and then the House would have been the murderers. As for leaving it to judges to mitigate sentences, this would be but throwing dice for the chances of human life. One judge might be severe from a sense of duty, and another might have a serious objection to the sentencing of a criminal to die. Both would be equally conscientious, yet the chances of a man's life or death would frequently depend upon the temperament of those individuals. They should, therefore, put it out of the power of a judge to tamper with human life. Experience had shown them that they should not stop in their course of mitigation. But if it should turn out that one step more would be dangerous to the State, surely, they might in one night pass a bill through both Houses to remedy it. In the name of justice and humanity, he entreated them to agree to the motion for leave to bring in a bill.

Mr. *John Jones* thought there would be found great difficulty in devising a secondary punishment for the crime of murder, if the punishment of death were to be abolished. It happened to him to be at one time detained at a foreign port while the ship was performing quarantine, when he took the opportunity of watching the galley slaves. Observing that one of them, after a few days, was absent, he inquired into the cause, and he was told that the man had been guilty of murdering two of his fellow-convicts. He then, inquired what was the first offence of that man, when he was informed that while acting in the capacity of a servant to a monk at Rome, he murdered his master. Now, in Tuscany, the punishment of death had been abolished; this murderer, consequently, could not be more severely treated after his second offence than he was for his first. This constituted with him the difficulty he experienced. He certainly was willing to give his vote for the abolition of the punishment of death in every case, except that of murder.

Lord *Worsley* was afraid that the punishment of transportation was not sufficiently dreaded by that class of persons in this country who were likely to be guilty of great offences; he, therefore, thought that the total abolition of the punishment of death would, in the present state of the education of the people, be attended with danger.

Mr. *Ewart* replied. It appeared that, in the returns laid before the House, there were recorded thirty-nine cases, in which sentence of death was commuted; yet, this commutation did not induce the relatives of the murdered parties to take vengeance on the perpetrators. However, without dwelling further on such facts, he would beg of those who would oppose his motion to support that of his right hon. Friend, and then they might discuss whatever alterations they wished to propose in committee.

The House divided on Sir S. Lushington's motion:—Ayes 90; Noes 161:—Majority 71.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alston, R.
Archbold, R.
Bainbridge, E. T.
Baines, E.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Boldero, H. G.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Bulwer, Sir L.
Busfeild, W.
Castlereagh, Visct.
Clive, E. B.
Craig, W. G.
Currie, R.
Dennistoun, J.
Divett, E.
Duke, Sir J.
Easthope, J.
Elliot, hon. J. E.
Ellis, W.
Fielden, J.
Fenton, J.
Finch, F.
Fitzroy, Lord C.
Fort, J.
Freshfield, J. W.
Greg, R. H.
Greig, D.
Hall, Sir B.
Hawes, B.
Hayter, W. G.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hume, J.
Humphery, J.
Hutchins, E. J.
James, W.
Jervis, S.
Kelly, F.
Leader, J. T.
Lister, E. C.
Lushington, C.
Melgund, Visct.
Milnes, R. M.
Muntz, G. F.
Muskett, G. A.
O'Connell, D.
O'Connell, J.
O'Conor, Don
Paget, F.
Pattison, J.
Pechell, Captain
Rice, E. R.
Roche, W.
Rundle, J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Smith, J. A.
Smith, B.
Stanley, M.
Stanley, hon. W. O.
Stewart, J.
Stock, Doctor
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Turner, E.
Turner W.
Vigors, N. A.
Villiers, hon. C. P.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Wilmot, Sir J. E.
Wood, B.
Yates, J. A.

TELLERS.

Ewart, W.
Lushington, rt. hon. S.

List of the NOES.

Acland, Sir T. D.
A'Court, Captain
Alsager, Captain
Attwood, W.
Bagge, W.
Baillie, Colonel
Baker, E.
Baring, right hn. F. T.
Barrington, Visct.
Berkeley, hon. C.

Bewes, T.
Blackett, C.
Blair, J.
Blake, W. J.
Bolling, W.
Bowes, J.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H. L.
Burrell, Sir C.
Clay, W.
Clerk, Sir G.
Clive, hon. R. H.
Collier, J.
Copeland, Mr. Ald.
Corbally, M. E.
Courtenay, P.
Cripps, J.
Curry, Mr. Serjeant
Darlington, Earl of
Davies, Colonel
Denison, W. J.
Douglas, Sir C. E.
Dowdeswell, W.
Dugdale, W. S.
Duncombe T.
Dundas, F.
Egerton, W. T.
Eliot, Lord
Evans, W.
Farnham, E. B.
Feilden, W.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Fremantle, Sir T.
Glynne, Sir S. R.
Goddard, A.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Goulburn, rt. hon, H.
Graham, rt. hon Sir J.
Grey, rt. hon. Sir C.
Grimsditch, T.
Grimston, Visct.
Grimston, hon. E. H.
Halford, H.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Heathcote, Sir W.
Hector, C. J.
Heneage, G. W.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hodgson, F.
Hope, G. W.
Houldsworth, T.
Howard, hon. E. G. G.
Howard, F. J.
Howard, Sir R.
Howick, Visct.
Hurt, F.
Hutton, R.
Ingestrie, Visct.
Inglis, Sir R. H.
Jones, J.
Kemble, H.
Knight, H. G.
Lascelles, hon. W. S.
Law, hon. C. E.
Lemon, Sir C.
Liddell, hon. H. T.
Loch, J.
Lockhart, A. M.
Macaulay, rt. hon. T. B.
Mackenzie, T.
McTaggart, J.
Mahon, Visct.
Martin, J.
Maxwell, hon. S. R.
Mildmay, P. St. John
Miles, P. W. S.
Mordaunt, Sir J.
Morpeth, Visct.
Morris, D.
Neeld, J.
Nicholl, J.
O'Ferrall, R. M.
Ord, W.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parnell, rt. hon. Sir H.
Peel, J.
Pemberton, T.
Pendarves, E. W. W.
Pinney, W.
Plumptre, J. P.
Polhill, F.
Powerscourt, Visct.
Praed, W. T.
Price, R.
Protheroe, E.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rickford, W.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sheppard, T.
Shirley, E. J.
Smith, A.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, Lord
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, rt. hon. Sir E.
Surrey, Earl of
Sutton, hon. J. H. T. M.
Teignmouth, Lord
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, G. H.
Wakley, T.
Williams, R.
Wood, C.
Wood, Sir M.
Wood, Colonel T.
Worsley, Lord
Wyse, T.
Young, J.

TELLERS.
Stanley, hon. E. J.
Parker, J.

Privilege. Bill to Secure Publication.] Sir *E. Sugden* said, that in bringing forward the motion of which he had given notice, "for the appointment of a Committee to consider and report to the House what steps should be taken in order to guard against the reports and other papers of the House which the House may think it necessary to publish, containing matter criminatory of individuals; and whether it be expedient to discontinue, or to place under any and what restrictions, the sale of such of the proceedings of the House as may be published," he had intended to lay before the House a distinct view of what had in former times taken place in the House of Commons on the subject, and the operation of the practice, and what had latterly taken place, and the operation of that practice, in order to show that it was absolutely necessary some new rules should be adopted with a view to prevent the publications of the House containing matter injurious to individuals, and that it required grave consideration whether, consistently with that view, there could or could not be a safe sale by the House of copies of any of its proceedings. If any scheme could be adopted to prevent their publications containing matter criminatory of the character of individuals, then of course they might be sold. But he was rather deterred from entering upon any discussion by the mode in which the noble Lord (Lord John Russell) had given his notice, which was to move, as an amendment to his motion, that leave be given to bring in a bill to give summary protection to persons employed in the publication of Parliamentary papers. The noble Lord had thus taken him rather at a disadvantage in making his motion as an amendment to his, because they were altogether consistent with each other as he understood them. He regarded his own motion to be intended only to facilitate any measure of legislation that might be deemed necessary; or if legislation were not resorted to, then, to give the public all the benefit without the injury of publication.

He could not anticipate the course which the noble Lord was about to take. If he proposed to provide against any injury being done by the publication of papers by the House, whether by sale or not, accompanying that provision by a protection of the officer of the House in the sale of such publications, then the noble Lord might not find in him an opponent; but if the noble Lord was going to ask the legislature to give to the House greater powers than it now possessed in the publication of its papers, leaving the resolutions of 1837 altogether untouched, by which the House claimed the right to declare what should be its own privileges, and made it a breach of those privileges if any court of law should entertain any action relating to the publications of the House; and leaving, too, all the assertions of the powers of the House as against the question of law untouched, and making no provision that, in the publication of their papers, the House should take care that nothing should affect the rights and characters of individuals, then he would at once declare that the noble Lord would not have a more strenuous opposer to his bill than he would find in him on this occasion. He had thought that it would be better to clear away the difficulties which surrounded the question by moving for a Committee, but it would perhaps better consult the convenience of the House if he now postponed his own motion, and gave the noble Lord an opportunity of bringing his intended amendment before the House as a substantive proposition. He had no wish to embarrass the House by the simultaneous discussion of cross motions; and as the noble Lord's bill might render it inexpedient for him to bring forward this proposal for a Committee, he would postpone his notice till that day se'nnight, when he would certainly bring it forward, if the noble Lord intended by his bill to take greater power for the protection of the House against the people; for he certainly should oppose the bill if the noble Lord did not place upon the right of publication those guards to which the public were entitled.

Lord *John Russell* said, that as the right hon. Gentleman in deferring his present motion had wished him to bring forward his own motion for leave to bring in a bill upon this subject, perhaps the House would allow him then to make the motion which he had intended to submit to the House as an amendment. What the right hon. Gentleman had said in favour of his own proposition, had only confirmed him in the opinion that he was right in bringing forward the bill which he would afterwards introduce. The right hon. Gentleman seemed to think that they ought to examine their right of publication, with the view of restraining it by some legislative measure. [Sir *E. Sugden* did not contemplate a legislative measure]. He thanked the right hon. Gentleman for the correction, because, it appeared to him that the right hon. Gentleman had evidently expected a bill to place some restriction on the publication, and on the sale of parliamentary papers. It was his opinion, however, that there ought not to be any bill introduced upon this subject which should place any restriction on the right of publication possessed by that House, whatever might be the determination of the House as to the mode in which that publication should be made. And for himself, he had no hesitation in saying that if it were shown that the mode which the House had adopted of late years, that the mode which had been in use since 1835 had led to the distribution of papers, wantonly calumniating any individual, without, indeed, being of opinion that they ought to rescind the resolutions to which they had already come; yet that if any measure should be proposed to that House which should prevent any improper or calumniating publication, he should be perfectly ready to listen to it. At the same time he did not know of any more difficult subject to be undertaken, because there were many publications of reports of evidence and of accounts of proceedings, which, though not intended injuriously to affect any individuals, did bring in the names of many parties, and which were necessary as the foundation of bills, to remedy those general evils, the existence of which was proved by particular cases. It must, however, have become evident to the House, whatever might be the opinion which was entertained with respect to the power and the privilege of the House to regulate its own publications, that it was desirable to provide some more immediate and more effectual means of exercising its powers. His own opinion was, that the powers of the House were very large, and that if they were used to their utmost extent, they would be quite commensurate to effect an observance of the law of Parliament; but the mode in which they could exercise those powers was liable to great objection, and when put into practical operation it produced considerable inconvenience. Let him take the case that had now occurred. Suppose there were proceedings taken during the recess—that an action should be commenced, in which, there being no defence, judgment would at once be given, and the sheriffs would proceed without delay to levy the damages—they would be bound on their meeting to direct their immediate attention to the proceedings, to send for the sheriffs, and to punish them for the breach of privilege; and yet this course was liable to these defects, that it did not stop the action, and they were forced to deal with officers who had been no parties to the proceedings till after they had been before the courts of law; and he, in fact, was the only officer with whom the House could deal to prevent the full execution of the judgment. With respect to any action that might be brought during the sitting of Parliament, there was a more immediate remedy by proceeding against the parties. They might take the plaintiff and the attorney before they had gone far enough to entitle them to call upon the sheriff to execute the writ; but in this latter case, also, it was impossible to exercise the powers of the House without having the time of the House taken up and the attention of Parliament occupied by motions relating to individuals who were endeavouring to oppose the orders of the House. He did not indeed, think, that if they had to deal with persons who were claiming *bonâ fide* protection from charges at which they were really aggrieved—that those persons would not submit themselves to the authority of the House when they were told that any action they might bring would be a breach of privilege, or that the individuals who were injured would fail to ask the House to give such redress as to the House should seem proper for the damage done to their characters, thus unnecessarily and improperly assailed; but they must recollect that the persons with whom they had to deal were not of that character, that they were persons who did not seek any such compensation as the House could make, that like Mr. Stockdale they might be mentioned in the report of persons acting in the execution of their duty, and that they would immediately seek to derive some advantage by entering into a contest with the House, and by vexatiously continuing to bring actions against the officers of the House. In such cases, although they might punish the individual, although they might proceed upon their resolution and commit him, yet serious inconvenience would arise from the consumption of the time of the House, which was necessarily so valuable, as well in regard to all measures of legislation as to the control that was to be exercised over the executive administration; and, indeed, the whole Session might be occupied in discussions on the cases of individuals, on questions whether they should or should not commit this or that officer, or whether they should or should not discharge this or that prisoner. That was a great public evil; and there were other evils with which the House had not as yet had to contend, but with which, if they were determined to use their powers to the utmost, they must contend; it would be a great evil for instance, if they were forced to come more directly into collision with the courts of law than they had hitherto done. Differing, as he did, from the opinions of the judges in the case of Mr. Stockdale, conceiving, as he did, that the judgment of the Court of Queen's Bench was generally erroneous, and that it was not founded upon a correct appreciation of the privileges of Parliament, yet he must say, upon public grounds, if the House of Commons were to be respected on the one side, and her Majesty's judges on the other were to be held in that estimation and veneration which was necessary to add weight to the administration of the law; that there would be great evil from a more direct collision, and, therefore, that if the House agreed to any proceeding which should bring two parties in the community to take opposite sides, so that one part should be vindicating the House of Commons, whilst another should be adhering to and defending the judges, it would be a misfortune in a public point of view. He thought, therefore, that these were reasons why at that period, having shown that they were determined not to part with any of their necessary powers, they should attempt, by the aid of legislation, to prevent a recurrence and a continuance of those evils to which he had adverted. He felt, at the same time, that there was great force in the objection that any legislation whatever would add strength to the arguments of those who contended that they would thus weaken the privileges of the House; that if any legislative enactments with regard to them were assented to, they must consent to bring all their privileges before the Legislature; and that any enactment would convert all the privileges of the House to such a state as would materially diminish them. Still, he could not but see that at all periods in our history, whatever might have been the subject, whether it regarded the privileges of Parliament or the rights of the Crown, or of any of the constituted authorities, whenever any great public difficulty had arisen, the Parliament, in its collective sense, meaning the Crown, the House of Commons, and the House of Lords, had been called upon to solve those difficulties. This was, as he conceived, the original intention of the constitution of Parliament. He was far from thinking that the constitution of Parliament as it originally stood, rude as it was in its general provisions, did not exhibit great sense in the general distribution of power. It was, as he conceived, among the functions of Parliament, not only to provide for the executive administration of the country, and to pass such laws as should be from time to time required, but also in general to declare what was the state of the law existing at the period, and which declaration was taken as law for ever afterwards. That was done at a remote period, as a part of the inherent power of Parliament; and although it might have been little used lately, yet it still was both within the power and the duty of Parliament to meet any great evils or difficulties of this kind, and to provide for them by its general authority. With respect to these cases of privilege in particular, it could not be denied that when difficulties had been found, the Parliament had provided for them by enactments, declaring what was the law. In the commencement of the reign of James 1st, when it was found that the warden of the Fleet was unwilling to discharge from prison a Member of that House, stating that he feared he should have to pay the penalties for an escape, although the House of Commons interposed, and obtained the release of the Member, still he did not think it inconsistent with the maintenance of its privileges, nor a dereliction of its high duty, as one branch of the Legislature, to pass an act, providing that all suits brought against Members should revive when Parliament should cease to sit, depriving Members of exemption from suits; and, secondly, that no sheriff or other officer should be liable to any punishment for discharging from custody a Member that was entitled to the privilege. After the resolution, when the Members of the House, and when even the Speaker had become liable to actions and prosecutions for doing their duty in that House, the Parliament had declared, by legislative enactment, that no person should be called in question for any proceeding within the walls of Parliament. So, likewise, when it was found in the course of experience that the privileges which were possessed by the Members of the House, that the personal privileges, such as that exempting their servants from suits for the recovery of debts, could be dispensed with, without doing the least injury to the efficacy of Parliament, the House agreed to several acts, the latest of which was the act of the 10th George 3rd, which allowed the suits to proceed, and which had limited these personal privileges of the Members. All this showed that when there was sufficient cause, and when there was a good public motive, the House had not hesitated upon all suitable occasions to derogate from the general privileges of the House. At the same time he knew that it might be said, that when they entered upon a course of legislation on one privilege, various other privileges might be attacked, and they would be ultimately obliged to resort to legislative enactments for all. He did not, he admitted, feel certain that such attacks would not take place; but there were none of their privileges which were so much exposed to attack as this particular privilege of publication—at all events, that was the particular privilege now called in question. On many of their privileges he saw, by the judgment of the Court of Queen's Bench, there was no difference between the House of Commons and the courts of law: there were many privileges which were ascertained, and which were generally allowed, as Mr. Chief Justice Pemberton had allowed certain privileges of the House of Commons, when he was called to their bar to answer for an offence against the privilege of the House. If, however, there should come to be any further question with the judges of the Court of Queen's Bench—if they should not be disposed to allow that the House had the right to decide what the privileges of the House were—

he should be ready to maintain, in that case, what he had maintained in the present case, that the House was, and of right ought to be, the judge of its own privileges. The right hon. Gentleman differed from him upon that subject. It was one on which he thought there was a great deal of popular misapprehension. It was said that the House could declare anything that it pleased to be privilege, and it was presumed that anything that was most extravagant was within its power, and that the House would claim it as a privilege. This was a most exaggerated way of putting the question. It had been said, equally extravagantly, by counsel before Lord Ellenborough, " Does your Lordship say, that the House might take any person into the lobby and there execute him?" To which Lord Ellenborough replied, " In such case the courts would do their duty." If a person were convicted of a capital crime, and were sentenced to death, he might be legally executed; and the counsel might just as well have asked whether a person not legally convicted could be executed. And what he meant when he said that the House had the power to judge of its own privileges was, that it could best judge what privileges it was necessary to assume to enable it to discharge its duty. He might be asked what there was to check and to limit this power, and he must answer that there was the same check and the same limit as there was upon all the different bodies in the state; there was the same check and the same limit as there was on the prerogative of the Crown; the same as there was on the power and the authority of the House of Lords, or of the Court of Chancery, or the courts of common law, namely, that having certain powers necessary to maintain the particular functions of the body, it must be supposed, if it were a constitutional proceeding, that there could be no extravagant assumption of powers, going beyond the necessity of the case. If this were so, the case was clear, there was no difficulty in deciding the question whether the House of Commons or the Queen's Bench was the proper judge of what was necessary for the due performance of the duty of the House. He had no hesitation in saying, that it was the House; if the House was perfectly conversant with the business which it had to perform, it was aware from day to day of what was necessary to perform that duty, and it was more likely to come to a correct decision upon this question than the Court of Queen's Bench. It might be said on the one side, that the House of Commons would carry this power of judging what were its own privileges to an excess, and it might just as well be said on the other side, that the Court of Queen's Bench would be most likely to limit what was really necessary. Therefore, whatever they did with reference to this point, they would not get rid of the power essential to their functions. Elected as that House was by the people, and as they were threatened the other night by an hon. Gentleman, that that House would have to go back to the people to give an account of their proceedings, he did not think that any act of exorbitant tyranny would ever be exercised by the House in defence of its privileges. He now came to the measure which he had to submit to the House; he did not intend to propose a measure that would impose any restrictions on the power or right of publication by that House; on the contrary, he should take care that it was stated in the preamble of the bill, that the privilege of the House, as well in this as in any other respect, was only known by the interpretation of the House itself. He intended to propose that publications authorised by either House of Parliament should be protected, and that merely the certificate of such publication being authorised, signed, for the House of Peers by the Lord Chancellor, or by the Speaker of that House, and for the House of Commons by the Speaker, should be held to be a restriction of any proceedings for such publication in any court of common law. That was, that any person having the authority of either House of Parliament for the publication of any paper, in case of any proceeding being instituted in any court, that a certificate of this should be sufficient to stay all proceedings by a mode which was described in the bill he proposed to introduce. He would not proceed to explain the mode by which it was intended this should be done, for he feared if he entered upon an explanation of the legal proceeding, he might lead hon. Members into error. He, therefore, thought that it would be better for him to abstain, and to be allowed to introduce his bill, and let hon. Gentlemen see the details of it. The object of the bill, he repeated, would be to give protection in a court of law to the publications of either House of Parliament, and this not merely during the time Parliament was sitting, but during a recess or dissolution. He did not propose to limit the right of publication, for, as he had said before, he agreed that it was essential that they should maintain it to the fullest extent; but if he could give greater security than before to the publications of the House, by the proposition that he was about to make, he should be extremely glad. He was anxious that the authority for such publications should be maintained in the House itself, by the means that he proposed, as he thought that the functions of that House were of too important a character to be submitted to any other tribunal. He would not say a single word on what had so often been dwelt on in the discussions on this subject—namely, that the House should have the right and the power of publication, for he believed that they could not beneficially exercise their functions without the right of publication. He, therefore, should only now ask for leave to bring in a bill, hoping that it would be the means of putting an end to the evils which were now experienced by the House; and, after what had passed, he did not think that it was too much to ask the House of Lords to concur with them on this subject. He was sure that the House of Lords must be aware that this conflict in which the House of Commons was engaged might be injurious to the other branch of the Legislature; and with regard to the publications of the other House, although they might not now be called in question as those of that House had been, still persons might have recourse to these vexatious actions against the servants of the other House for publications authorised by it, and it should be recollected, that one of the publications of that House which had been threatened with an action was a reprint of a document of the House of Lords, and arose out of the examination of witnesses who gave evidence before a committee of the other House. The House of Lords only did their duty, and proceeded in the investigation in question with the view of giving information to the people of this country. The evidence was not to be confined to the House of Lords or to the House of Commons, but it intended to give information to the country as to the state of New Zealand, so that those who might feel disposed to emigrate might be made acquainted with the state of things there. It, undoubtedly, might be made a ground of action against that House, as it was threatened against this House, that the publication containing this information involved a libellous attack upon individuals. He thought, also, that the committee lately appointed on the subject of the printed publications of the House, would, in its report, lay before the House all the facts of the case with regard to the publications, and he believed that the House would be satisfied that means were taken practically to place a check on the publication of works of anything like a libellous character printed under the authority of the House. The House would find that they placed checks on the publication of libels, and when the report was laid on the table, it would see what these checks were, and how they were to operate, before the House sanctioned the publication of papers, and it would be for hon. Members to say whether these checks were effective or not. He would not occupy the time of the House at greater length, but conclude with moving, that leave be given to bring in a bill to give summary protection to persons employed in the publication of parliamentary papers.

Sir *E. Sugden* would not detain the House for more than a few minutes, while he expressed his opinion on the motion just submitted to the House. He was not at all satisfied with the explanation of the noble Lord as to the course that he proposed to adopt with reference to the publications of the House. The noble Lord had given notice of his motion as an amendment to the one which he had intended to submit to the House; and he had been induced to give way to the noble Lord. He was by no means satisfied with the statement of the noble Lord, who concluded with telling the House that the Printed Publications Committee would report on the facts to the House. Now if he had not been stopped by the noble Lord's announcement, he should have shortly stated what they were. But, he would now ask, was this Committee prepared to report on measures which should be adopted, that would afford security against the characters of persons being attacked in the publications of the House? The Committee would only look to the nature of the publications, as they would give information to the House, and to the number that would be necessary; and they would not examine the character of the publications, independent of the nature of the information, or of the number required for distribution and sale. There could be no doubt that the primary object of ordering the sale of parliamentary papers was to save expense, without regard to the character of the publication. The noble Lord had completely misunderstood him as to the right of publication; he had never disputed it; all that he wished to see was, the publication of papers conducted with the greatest possible caution, and within the strictest forms. He feared the public would think that they did not intend to assert or to adhere to any such principle, and that they would have no regard to anything like a proper or sufficient caution in the publication of their papers. The noble Lord stated that there were many mistakes out of doors as to the power they claimed, for all, he said, that he asked was, a sufficient power to carry on the business of the country. In the resolution of the House in 1837, there were no words that would justify any such interpretation as was assumed by the noble Lord of this rule. What were the words of that resolution?

> "That, by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon. That for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament thereon, is contrary to the law of Parliament, and is a breach and contempt of the privileges of Parliament."

There was no limitation, then, of the right of publication, but here was a positive declaration of the House that they had a right to publish what they thought fit, and of this assumption of right the people of England were afraid. It was not fair to the public that this extraordinary claim of the right of publication by the House of Commons should be sanctioned, or that merely an announcement of it should stop all proceedings in any court. He admitted that there might be extraordinary cases where the liberties of the country were at peril, where the extreme right of publication might be necessary; but it never was the law of Parliament, or the law of the land, of which the law of Parliament was a part, to deal with these extreme cases as of common occurrence. The noble Lord, in his speech, endeavoured to explain away this resolution; but he left his resolution still in force, pregnant with all the dangers that would continue to result from it. The noble Lord said, that if they allowed these contests to go on, they would greatly endanger and peril the other privileges of the House. He did not object to a legislative measure on this subject, but he objected to the exercise of the great power, the possession of which was claimed by the House with regard to publications, until they framed satisfactory restrictions which would have the effect of securing a guard against improper publications by that House. With respect to Mr. Stockdale, he must observe that it was an unfortunate case to try the question of their privileges by, for there was no doubt he took advantage of the situation in which he saw the House placed, and he had not been damaged in the slightest degree by the publication in question. He felt convinced that no jury, on the merits of the case, would have given damages for a libel. He entertained no sympathy whatever for Mr. Stockdale, but there was a great principle involved in the matter, independent of the case of any individual. He would only add, that he trusted that the noble Lord would adopt some means of affording something like security against the privilege of that House being made the means of protecting improper publications, and he felt that this would not be the case by the bill which he proposed to introduce.

The *Solicitor-General* rose, shortly to state to the House why he found it to be his duty to oppose the motion of the noble Lord. He entertained no doubt but the House would credit him when he stated, that all his inclinations and wishes were, that he might be able to support the noble Lord and the Government of which he was a member. He felt this the more strongly, as he had so lately been called upon to take office under them, and he did so in perfect conformity with his inclinations and feelings; but he also felt that his duty as a Member of Parliament, was paramount to his duty as a humble member of the Government. Therefore, under the influence of a sense of duty, and feeling that duty to be imperative on him, he felt that he could not conscientiously discharge that duty, without rising to state his objections to the adoption of the course that night proposed. He could not but be sensible of the extreme difficulty of the situation in which the House and the Government were involved in connection with this subject, for it was the duty of the latter to maintain, in every possible way, the privileges of the House. He was anxious, while he endeavoured to guard them against doing anything prejudicial to the public interests of the country, to abstain from offering anything likely to embarrass the course of the Government; but after reflecting on this subject, he could not but feel the most painful apprehension as to the result that he feared would follow from the course proposed. He could not but feel strongly, because he believed that the Government was mistaken on this subject, and that the measure that night proposed, so far from relieving them from the embarrassment in which they were placed, would tend greatly to aggravate and increase that embarrassment, and also tend to inflict a deep and permanent wound on the privileges of that House. The proceedings which had taken place on the part of Stockdale, would by no means be prevented in consequence of an enactment on the score of asserting their privilege; for they had already determined that the power was in themselves to vindicate and protect their privilege, and he did not believe that this was the proper time for them to agree to such a course as that proposed. He placed great confidence in the opinion of his right hon. and learned Friend opposite, but he was sure that his right hon. Friend would excuse him for saying, that having paid some attention to the subject, he could not help entertaining the opinion that the resolutions which had been alluded to, were well-founded, and were essential to the preserving the legislative power of the House. He was prepared to shew that they were not only well-founded as he believed, in parliamentary law, and that they could be supported by the sanction of the greatest constitutional authorities; but that the maintenance of the privilege involved in the resolution, was essential to the due discharge of the functions of Parliament; and he did not go one iota beyond what he believed to be absolutely essential when he asserted this. Gentlemen who did not look to the consequences of their proceedings, might look to the propriety of limiting these resolutions. He, however, begged the House to look to the proceedings in the Court of Queen's Bench, which gave rise to these resolutions. When the first action was brought, the House was called upon to vindicate its privileges. They, in consequence of the proceedings then taken, adopted the resolutions which he contended were in conformity with the first principles of parliamentary law. He did not think that this was exactly the opportunity of going into this question; but he contended that the principle involved in them was essential to the House. He would pass them by for the present, but he contended that they could be maintained without the bill proposed by the noble Lord, which, so far from being calculated to relieve the House from the difficulty in which it was placed, would, he was convinced, involve them in proceedings of an embarrassing nature, far beyond any thing that would be gained by it. He believed that the effect of it would be deeply and permanently injurious to the privileges of that House and to the public. On the first action, as he was about to state, a few months since, the House chose to plead in bar their privileges, and that the acts or publications that Mr. Stockdale complained of, were performed under the sanction of the privilege of that House. That plea was overruled. He entertained great respect for the opinion of the Court of Queen's Bench, but as an independent Member of that House, forming an opinion on part of the law of Parliament, he did not hesitate to express a confident belief, that that judgment was wrong and unfounded. He was, therefore, only anxious that the House should not do anything that would appear to adopt or sanction that judgment of the Court of Queen's Bench. That court stated that it did not consider that the order of the House was any defence, and that it could not be pleaded in bar to an action. He, therefore, cautioned the House to take care, since that judgment had been pronounced, that they did not adopt any course by which it might appear that they gave judgment against themselves in pronouncing such an opinion as admitted in any way the validity of that judgment. The bill proposed by the noble Lord, had for its object the stopping, by a summary proceeding, any actions that might be brought for publications authorised by the House, and when they enacted this, did they not virtually admit, that in the former case the plea of the privileges of that House, was not a plea in bar to an action? Did they not admit that the Court of

Queen's Bench had a right to overrule that plea, which was only put in at the third stage of the action, instead of coming at a very early part of it? By passing a legislative measure to stop future proceedings in a summary manner, the inference would be that the House admitted that it could not set up its order as a plea in bar, but that it was found that something further was necessary, and that the House must get a legislative authority to enable it to stop their proceedings. He was sure that the noble Lord by his bill did not intend to affect, in any way, the privileges of the House. The noble Lord thought that by resorting to a legislative measure, the House would only sanction its former judgment, but he contended that by it, the former decisions of the House would be impugned, and that its privileges would be endangered. It would be considered that there was no stability in its judgment, and that it looked back with some degree of doubt on its former proceedings. The conclusion would be, that they would not have left the judgment of the court unimpugned, if they could have dissented from it. Therefore it was that he contended that the introduction of the bill into the House, would only tend to increase the present embarrassments. The bill, as it appeared to him, when he considered the nature of the judgment of the court, was calculated to increase, and encourage, and give rise to attacks on their privileges. He did not believe that many Members of the House were precisely aware of the numerous instances in which privileges were now conceded to them, and of which the public had the benefit, but which might be called in question. How many important acts of legislation in that House had passed by small majorities? The Act of Settlement passed by a majority of one. How easily might it happen, when a debate was likely to take place, if Members of Parliament were liable to be subpœnaed to the counties of Northumberland or Cornwall, that parties might withdraw a few of the most efficient Members? How often would one person or another be disposed to summon some right hon. Baronet, or some noble Lord to a distance on certain occasions? It was not disputed now—the question had not arisen regarding the exemptions of Members of Parliament from answering such summons. But Members might be called to serve on juries—they might be made liable to serve the office of sheriffs. There was an infinite variety of offices from which they were exempted by Parliamentary privilege—not for the individual benefit of the Member, but in order that the public service might proceed. In every one of those instances the question of privilege might arise, and on the most important occasions. Had they a right to call for papers? Had they a right to summon witnesses? Had they a right to the exemptions from various offices? But it would be endless to repeat the instances in which questions of privilege might arise. A. refused to answer a question, or a party refused to produce papers, or refused to attend. All these might give rise to discussions in courts of law, where the jugdes should judge of the necessity of the examination of the witness, of the relevancy of the papers, and of every other circumstance which could be connected with the discharge of Parliamentary duty. Let the House not fancy that while Parliament had been deemed paramount—while that had been conceded for ages which the Court of Queen's Bench denied—conceded, too, by the brightest names that adorned English history by judge after judge—that while the House of Commons was deemed co-ordinate with the House of Lords, superior to the courts of law, and judges of their own privileges—let them not fancy that what they possessed under these circumstances they would retain when their position was changed—let them not fancy that they had a fee simple in all their privileges, when they were only tenants at will of this one. The Court of Queen's Bench had displaced the constitutional position of the House. That House was no longer, according to the judgment of the court, a co-ordinate authority with the House of Lords. That balance and constitutional check, which had been the pride of those who had investigated and expressed opinions on the British Constitution, was gone. If that House might have every one of its privileges decided by the House of Lords, the independence, and honour, and authority of the Legislative body was diminished. It was important that respect should be paid to the courts of law who executed the law. It was not less important that respect should be paid, and dignity enjoyed by those who made the laws. He only regretted, when he looked back to the language expressed in the House, to see that those who valued old institutions, and above all valued the institutions which formed the British Constitution, should have forgotten that the

House of Commons was one of those. With a House of Commons subordinate to the House of Lords, the Constitution was lost—the best safeguard was gone which had convoyed their liberties through times of the greatest danger and difficulty, in which the Constitution would have perished but for the authority of the House of Commons. They were about passing an Act of Parliament, leaving untouched the judgment which had displaced them, which tended to destroy the respect which gave effect to their acts, by making them subordinate to the lowest court of justice in the kingdom. What was it that invited such men as the country had reason to be proud of—men who adorn the House—to become its Members? It was the rank, and station, and authority of the House. Alter the Constitution—change the condition of the House, and it would cease to invite men of that class. It was from its importance, its rank, and station, that all men were ambitious to become Members of the House. He said, then, that whatever was its present condition, let but a short time pass, and let the judgment of the court receive the sanction of the House—let the House become subordinate to the House of Lords—remove it from being what it had ever been—the check, control, and balance of the other power of the state, and it would sink in esteem and dignity, as it must do when every one of its own resolutions regarding its own powers would be liable to be reversed by the lowest court of justice in the kingdom. His objection to the bill was, that when they did not venture to assert their privileges—when they did not express the slightest dissent from the judgment pronounced by the Court of Queen's Bench, they in effect affirmed that judgment for practical purposes. He knew very well that there was no reason to hope or believe at the present moment that a bill which was not open to these objections would pass both Houses of Parliament. That in his mind was the reason why they should not legislate at all. He was anxious—most anxious, desirous, if possible, to put an end to the present state of difficulty and embarrassment by legislation, if a settlement could be obtained consistently with the usefulness, by which he meant the authority, the dignity, and the station of the House. He believed that no such bill could be obtained, but he would not on that account take a bill pregnant with more difficulty and danger than it was intended to remove. He conceived that no man could look at the state of circumstances which now existed, without perceiving that the course of proceeding by legislative measures must most seriously affect the permanent station and character of the House. He had before occupied the attention of the House at such length that it was his most anxious desire to spare them on the present occasion, and therefore he only wished to call the attention of the House to those matters which impressed his own mind, and which led him to think that he was only discharging a duty in opposing the bringing in of the bill. He conceived that they were doing a great evil in bringing in such a bill. In the first place, he did not believe that it would pass even in its present form. He believed it would undergo alteration, which in all probability would render it more objectionable. He did not believe it would come back to the House such a bill as the noble Lord would himself accept. He could not consent to send up a bill which he knew would be the subject of discussion not calculated to increase the dignity of the House—not calculated to put down resistance to the House, but calculated rather, though no such intention might be entertained, to stimulate resistance, and to encourage defiance in those who were disposed to resist the authority of the House. He considered that, the House being at present divided as it was in opinion on this subject, that sending up a bill to be the subject of discussion was not likely to ease or terminate their difficulties, but to increase them. There was no ground to anticipate with any such degree of certainty as would warrant their increasing the hazard of their position. But suppose the bill passed. Suppose it passed in a shape which the noble Lord, consistently with his anxiety to preserve the honour and usefulness of the House, could recommend to the adoption of the House. If he was at all right in the consequences which he ascribed as likely to follow from this bill, they would have announced by it that they required other powers than they possessed to maintain their privileges. His opinion was, that they were asking this in respect of the privilege least likely to be called in question. His right hon. Friend who had addressed the House with the caution that belonged to his intelligence, spoke of the care they ought to take regarding their publications. Much had been said regarding the want of care on that subject. But those who made such charges would do well to remember that no complaint had been made in a course of two hundred years, the House having, during that time, passed through inquiries of the most important, and, in many cases, of the most distressing nature: having examined into abuses of the South Sea schemes, of the slave-trade, of municipal corporations—into all the subjects which filled their voluminous papers, containing so many of a criminatory nature, and all published with a view to legislation. Surely something might be said on behalf of the House, when it appeared that the only individual who, in a course of 300 years, had complained of its publication was Stockdale, regarding whom there had been a verdict, that all that was said of him was true. He could not help thinking that this circumstance gave pretty good assurance that there had not been so much falsehood—there had not been such an over abundance of slander—published by the House as some folks were apt to imagine. He could conceive very many privileges much more likely to be challenged than the privilege of publication—such as that of examining witnesses, or calling for papers. If these privileges were challenged, how would they proceed? The Court of Queen's Bench had placed them in a new position. Three judges thought that what was necessary for the discharge of the duties of the House was privilege. Mr. Justice Coleridge, however, said, it was not enough to make out that power was necessary. They went also to show that it had been allowed—by allowed, meaning anciently allowed. They were then told by one of the judges that they had not the power necessary for the discharge of their functions, and by the others that what was required for the performance of its functions belonged to it as privilege, but it lay with the judges to decide whether a privilege claimed was necessary or not. He had taken the opportunity of moving for a return, for the information of the House, of the writs of error brought from the judgment of the Court of Queen's Bench in the last four years. There had been twenty writs of error brought in that time, and ten judgments reversed, judgments in which the court had been unanimous. What a bonus did this hold out to those who were disposed to enter into a legal contest with the House! What uncertainty would attend the decisions of the court, and what an opportunity of accomplishing their ends would be afforded to those disposed to resist the House? It was no matter about the result—whether the court sustained the privilege or not—the time was gone by when the information which the House might want was required, and they would be compelled to act without it. The great evil of uncertainty must attend every step of their proceedings. A great bounty would be afforded to those who were disposed to resist every step, in the hope of succeeding by the judgment of some court or other in the kingdom. There would be no certainty in any one of their privileges, and a privilege so little questionable as that of the circulation of paper having been attacked, it was reasonable to expect that their other privileges would be called in question. He thought such attempts would be encouraged by the bill, because it would have the effect, to a very considerable extent, of confirming the judgment. But how did they stand at that moment? They might stop Mr. Stockdale's action in the manner proposed, by lodging a certificate forthwith, and under the authority of the Act, legal proceedings would be stayed; but how did they stand with regard to Mr. Howard, who had brought an action against the Sergeant-at-Arms? Would the bill stop his action? He did not so understand it. If it would so stop him, and if the bill were made general, there would be no objection to it, but Mr. Howard would remain, and they would still have all the difficulties, all the embarrassment, all the waste of time in discussing and maintaining their privileges, which they had without the bill. They would be relieved from none of the discussions which for great public purposes they wished to avoid by the bill. He could not help thinking that Mr. Howard's would not be the only action which would be brought. Whether the occasions existed at that moment which might give rise to actions he would not say, but if the opposition and resistance to the privileges were to lead to a violent contest with the House of Commons the sooner they made a determined stand the better; there was no use in delaying what could not be avoided; and it was better to show at once, by this conduct, that they were determined to exert the powers which the Constitution gave them. He would only repeat, regarding such powers, that there was not a court of justice in the kingdom that could or did exist except mainly by them; and the Houses of Parliament had only existed by them. The pressure of personal imprisonment was the most important and extensive means by which they were protected. To say it was not sufficient with regard to the House was to speak contrary to experience, which had manifested its sufficiency in the House of Commons hitherto, as well as in every court in the kingdom. The question in which they were involved had arisen from no fault of the House. It could not be avoided in the performance of their duties. The House had no reason to expect that an attack would be made on such an exercise of their power by the Lord Chief Justice of the Queen's Bench. When that attack was made, the House had no choice, no resource, but to meet it by a prompt declaration. And what were the grounds on which the court rested its judgment? Mainly the *dicta* of other judges uncontradicted by the House. They said it was impossible that Parliament would have passed them by, unless it had been satisfied that they were correct. Look at the striking judgment of the Lord Chief Justice. If they passed by that, would it not be a ground for asserting that it was correct also? The House took the course which it had taken from its duty to the public, for whose benefit the privilege existed—most of whom little perceived the consequences which were involved—little perceived that the question was, whether the independence and efficiency of the House of Commons should continue to exist. But let them look to the effect of making one branch of the Legislature subordinate to another, and to all courts of justice, and they would perceive the true character of the contest. He said that House had acted as tenderly as it could in the maintenance of its privileges. It had not in any one commitment gone further than former Houses of Commons, and those not in bad times. He did not know whether the functions of the House were less important now; but he would venture to assert that their efficient existence was never more seriously threatened than at that moment. He would repeat that he was ready on a proper occasion to meet the right hon. Gentleman (Sir E. Sugden) and show that the House had acted tenderly in the course which it had pursued. On the ground, therefore, that they could not legislate effectually even on their own views—that they could not by legislation relieve themselves from the embarrassments in which they were involved—that they had no resource but a firm reliance on their own power and authority, on the ground that the bill, while it would relieve them from none of their difficulties, would greatly increase some, and create new ones,—he submitted to the House that it was inexpedient to attempt meeting those difficulties by legislation. It was a course which presented only fallacious hopes of escape. In this instance, as in most others, the most direct and firm mode of meeting the difficulty was the surest path to safety and honour.

Lord *Stanley* had not at any previous time felt justified in trespassing on the attention of the House, even by a single observation on the subject of privilege, but had sat during almost every discussion a silent but by no means inattentive or unanxious auditor of what had taken place. The present time, the hour of the night, and the deference which he felt for the hon. and learned Gentleman who had just sat down, admonished him to be as short as possible in stating to the House simply the grounds of the vote he was about to give in favour of the measure which the noble Lord had proposed to introduce. He was well aware that the motion was liable to attack from both the one and the other side of the House. He had not listened to the discussions, and still more he had not attended the Committee which had been sedulously and laboriously investigating the case up stairs, without perceiving distinctly how many plausible arguments, how many sound reasons might be urged on the one side and the other; and how important it was, for the best interests of the country, that they should come to a sound conclusion, free from passion and prejudice, on the subject; and, at the same time, how difficult it was, nay, how daily and hourly it was rendered more difficult, by circumstances pressing upon them, irritating their feelings, and warping their judgments, to come to a sound, unprejudiced and impartial conclusion. The noble Lord had been attacked by Gentlemen sitting upon both sides of the House, but upon most opposite grounds, and arguments of the most conflicting nature had been made use of. The noble Lord's proposition had been opposed alike by those who wished to preserve, and those who wished to abandon the privilege of publication, and it was really most difficult to frame arguments to meet the opposite views of Gentlemen with such different notions. But he confessed at once, without any hesitation, that he felt as strongly as the hon. and learned Member could do, the absolute necessity of maintaining the privilege of publication, and of preserving it in full action, subject only to that discretion and restriction which the House might think fit to impose upon its own powers of publishing information on those subjects which, being the grounds of legislation, it was its duty as a representative and legislative body to place before the cognizance and the judgment of the public. No man could contend more strongly than he was prepared to do for the full maintenance of the privileges of that House, and if he thought with the hon. and learned Gentleman, that the adoption of the bill of the noble Lord would tend to destroy those privileges, to defeat their own objects, and to superinduce a danger more prejudicial in its consequences, the House would find him as prepared to oppose the noble Lord, as he was now prepared to support him. At the same time he did not agree with his right hon. and learned Friend, the Member for Ripon, in thinking that it was unfortunate that the case of Mr. Stockdale should have been the one on which the question of privilege had been brought to issue, because if the issue had been taken upon a weaker case it would then have been said, that upon such a case no practical question would arise, as no jury would give damages in such, nor would the Court of Queen's Bench rule against the course pursued by the House of Commons. For this reason he did rejoice, that the question had been brought to issue upon precisely such a case as the present. The House was proceeded against by a man of notoriously infamous character on account of statements published in a document which had been ordered by the Queen to be laid before both Houses—a document which was nothing less than a report of commissioners who had investigated gross abuses, in answer to allegations that such abuses did not exist, and to a challenge to produce the facts in proof of such allegations. Was the subject of these investigations an important one? No; for it related to no less a subject than the management of the principal prison of the metropolis. What was the effect of the report? That in the hands of the prisoners in that prison, had been found obscene books. Did the matter rest there? No; for a public body came to that House with an allegation denying the facts and questioning the report of the Commissioners; and in consequence of that denial the, Commissioners returned to the House a further report, in which they vindicated the accuracy of their former report, and stated that an obscene publication of a person named Stockdale, who was well known, had been found there. Upon this justificatory report of the commissioners proceeded subsequent legislation. If, then, in a case so strong as this, the Court of Queen's Bench had thought fit to step in and to say they did not admit the right of the House to publish what was so essential to the public good, but classed such publication with an ordinary libellous letter of an individual, without inquiring whether the publication was justifiable or not—if each individual case of publication was to be subjected to the investigation of any tribunal in the world, there was an end, and for ever, of their independence. With every respect for the laws, and for the authority of courts of justice, he at the same time entertained a respect for the authority of Parliament, and for the privilege which they exercised, not for individual advantage, but for the instruction of the people, to whom it was most essential to know on what grounds their representatives in the Legislature in their behoof, and for their benefit, proceeded in their legislation. Of the privilege of publishing information to the extent which the House might think fit, he would not abate one jot—he would maintain the rights and privileges of Parliament in that respect to the utmost. But while he did this, did he deny that Parliament ought at the same time to exercise the strictest vigilance as regarded the use made by them of that privilege of publication? On the one hand, he maintained the House of Commons ought to have the privilege of publishing defamatory matter, where the publishing of such matter was for the public good, in the same manner as he who gave a character of his servant was protected from any consequences, even if that character were libellous, because such statement came under the class of privileged communications. So Parliament might be and was called upon to become a wholesale libeller in consequence of the duties it owed to the public; and in like manner it must be protected against the consequences of pain inflicted on individuals, not maliciously or wilfully, but in discharge of a public duty. Nay, he maintained that the duties of Parliament could not be performed without this privilege; for their most important acts were frequently founded on a succession of libels, in which individuals might be subjected to injury or punishment. Should he, then, submit such a privilege to the judgment of any court in the world? With every possible respect for the judges now presiding in the Court of Queen's Bench, he said that they ought not to subject a privilege of such high importance to the possibly political views of any particular chief justice? As to the powers which Parliament ought to exercise, he agreed with the hon. and learned Gentleman that if any concession were admitted, the next privileges that would be attacked would be their freedom of speech, and afterwards that all the other privileges which they enjoyed, in order the better to enable them to perform their duties to the public, would be impugned. But he did not agree with the right hon. Member for Ripon, that no care had been taken by Parliament to impose a check on the possible undue exercise of the power of publication. The right hon. Gentleman had to-night given notice of a motion for the appointment of a committee to inquire whether any restriction was imposed upon the publication of printed papers by that House. This was an alteration of his original motion, for on a former day the right hon. Gentleman had given notice of a motion to rescind the order for the publication and sale of the printed papers. Now he was not about to argue with the right hon. Gentleman, that the public and general sale indiscriminately of the printed papers of that House did not produce an effect upon the public mind with regard to the bearing of this question. But at the same time the right hon. Gentleman would not deny that, as regarded the strictly legal offence, such as constituted a pretext for the interference of a court of law, the publication by public and general sale indiscriminately did not at all differ from the mode of publication which took place prior to the year 1834, when any Member could obtain half-a-dozen copies of any publication and send them down into the country. He quite admitted the distinction in the popular sense, but maintained that in a legal sense the old and the new mode of publication were one and the same. He regretted the course taken by the right hon. Gentleman, in giving a notice which was only for the present suspended, to inquire into the practice that had existed and did exist, the restrictions that had been imposed, were imposed, and which ought to be imposed. It was only a few days ago that the right hon. Gentleman withdrew from a committee appointed expressly to inquire into the same subject, and if he had remained on the committee, he would have known that they gave the subject their especial attention. The right hon. Gentleman, however, did not object to the bill, provided some restriction were placed on the sale of the printed papers. That proposal was nothing less than a begging of the whole question. But suppose such a restriction were imposed by the present House of Commons, what was to prevent some future House of Commons from withdrawing it? The right hon. Gentleman thought, that when he had got that House to impose a restriction, he could then get an act of Parliament. Such a restriction, however, he did not think necessary. Whatever might now be the popular impression on the subject, he did not doubt that when the report of the committee in question was published, they would see that every precaution that could be taken, was taken, to prevent the infliction of unnecessary pain upon individuals. No man could feel more strongly than he did the evils entailed on individuals by some of the statements contained in the printed publications of the House of Commons; but at the same time he must say, on balancing the evils, he could not but think that the injury to individuals was outweighed by the advantage conferred upon the public generally by the exercise of the privilege of publication. He would now return to the hon. and learned Gentleman opposite, with whom he was prepared to assert to the fullest extent the principle of publication. The hon. and learned Gentleman called upon them not to pass the bill, first, because he did not think that it would produce the advantages expected from it; and, secondly, because of the ulterior consequences arising out of the resort to a declaratory act. The hon. and learned Member said, that the judgment of the Court of Queen's Bench was wrong. He hesitated to pronounce judgment upon those who were so much better qualified than he was to lead the House aright; but he hoped that, sanctioned by the opinion of the hon. and learned Gentleman, and of other eminent lawyers in the House, he might be permitted to say, that in his judgment that decision was as wrong in law as he believed it to be unsound, constitutionally speaking. But, said the hon. and learned Gentleman, take care that you do not by your proceedings now confirm that judgment of the Court of Queen's Bench. The hon. and learned Gentleman, however, had failed to show how the bill proposed to be introduced by the noble

Lord went to confirm that judgment. There was not in the bill any affirmation confirming the view of the law contained in that judgment, nor was there any affirmation denying it. The bill of the noble Lord simply admitted the importance of maintaining the privilege of publication enjoyed by the House of Commons; and, while it admitted the hardship to which individuals had been put, it confirmed by a parliamentary enactment the doctrine under which these individuals had been subjected to that hardship, and gave the House of Commons certain powers which enabled it to exercise that privilege without running the risk of inflicting more hardships upon individuals. Nothing could be more necessary than such a measure, in order to prevent the renewal of the necessity to which the House had been put of keeping the sheriffs in confinement. Of the many votes he had cheerfully given in support of the motion of the noble Lord on this question, for none had he voted with greater regret (while he admitted the necessity of the vote) than for that which condemned to confinement two gentlemen of unexceptionable private character, against whose general conduct no charge had been made, but who, from being placed between two jurisdictions, could not escape the dilemma of disobeying one or the other. Why did he vote for their confinement? He was reminded of the hardship of subjecting to confinement two persons whose only fault was that of obeying that which they conceived to be the law. But the authority of the House of Commons was co-equal with that of the court of law; and if it did not maintain its privileges it would cease to be co-ordinate with it. [*Hear, from* Sir *E. Sugden.*] The right hon. Gentleman cried "hear," but did he mean to say, if there was a contest between two co-ordinate authorities, one of whom had imprisoned the servants of the other, that if one of those authorities from a desire not to inflict hardship on individuals, gave way, that such conduct would not amount to a giving way by the party so acting to the other? Would it not subject the party so giving way to contempt? Why, this ground of hardship to individuals was alone reason enough for the interposition of the Legislature to prevent the repetition of such occurrences in future. He repeated, that he did not propose to abandon one iota of their privileges; but at present, though their privileges were great, their power of enforcing them was very limited. Though during the Session they had an unlimited power of imprisonment, yet when the Session closed, that power ended; during the recess they had at present no power whatever to protect those who obeyed their orders. But for such a law as that proposed by the noble Lord, nothing could avert their gradually approaching that point where law ceases and the dominion of force begins. The continual exercise of their power of imprisonment could lead to nothing else, nor could any other result follow the painful conflict of two co-ordinate authorities, with powers pushed to the extreme; and it was for these reasons that he supported the bill, and was anxious to secure the House from the consequences. In what other way than by such a measure could the House continue to maintain their privilege of publishing? Their power of imprisonment extended only during the Session, and their only means of punishing those who had commenced actions and been instrumental in the receiving of damages during the recess was, by imprisoning them at the next meeting of Parliament. And how was this to be done? By committing every person who had been at all instrumental in bringing or conducting the actions—the plaintiff, the solicitor, the barrister, and, ultimately, the judges themselves. And after all the House must submit to be plundered and to propose a vote to indemnify their own officers out of the public purse. While punishing with the one hand, the House would be paying damages with the other. The bill provided for a due investigation into the nature of the papers published, so as to prevent the abuses that were likely to arise from the indiscriminate publication of Parliamentary papers; while, at the same time, it reserved within the breast of Parliament to decide what the extent of that restriction should be. The right hon. Gentleman the Member for Ripon did not see that the bill provided for the exercise of that restriction, but the effect of the bill was to enable the House to impose certain restraints, to be decided on by itself, upon the exercise of the privilege of publication. But the main effect of the bill was to remove one of the great objections of the people of England and the courts of law to the exercise of this privilege—the impossibility of duly supporting it without inflicting undue hardship on individuals who might be placed between two jurisdictions. The bill by confirming (not giving) the powers claimed by the House of Commons, would enable the House to support those privileges, and at the same time give the judges a *locus standi.* They would be able to say, "Here are privileges asserted, confirmed, and supported by law, and a course laid down which we are bound to obey;" and then would be removed the most formidable objection that had now been raised against this privilege. Whatever might be the result of this bill in another place—and God forbid that in another place there should not be sufficient temper, or good sense, or candour to deal with it with the earnest desire to come to a satisfactory settlement of it—at all events, they in that House would feel that they had done their duty; and while they maintained and enforced their privileges, they would seek at the same time earnestly to place them on the basis of satisfactory legislation.

Debate adjourned.

HOUSE OF LORDS,

Friday, March 6, 1840.

MINUTES.] Petitions presented. By the Duke of Argyle, from one place, against the Court of Session, and in favour of the General Assembly.—By the same, the Duke of Richmond, the Marquess of Bute, and the Earl of Aberdeen, from a great number of places, against the Intrusion of Ministers into Parishes.—By the Duke of Buckingham, the Earl of Devon, and Lords Fitzgerald, and Redesdale, from several places, against the Repeal of the Corn-laws.

HOUSE OF COMMONS,

Friday, March 6, 1840.

MINUTES.] Bill. Read a first time:—Printed Papers.

Petitions presented. By Messrs. Brotherton, Brocklehurst, Sanford, T. Duncombe, and Charles Lushington, from a number of places, for the Release of John Thorogood, the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts.—By Sir Robert Inglis, Sir E. Sugden, and Mr. T. Duncombe, from several places, for the Immediate Release of the Sheriff.—By Sir Edward Filmer, and Mr. B. Wall, from two places, for Church Extension.—By Sir John Walsh, from Bisby, againt the Report of the Ecclesiastical Commissioners.—By Lord C. Lennox, from Ashby-de-la-Zouch, against any further Grant to Maynooth College.—By Messrs. Greg, Lister, Elliot, and Hume, from a number of places, for, and by Mr. Palmer, and Sir Eardley Wilmot, from a number of places, against, the Repeal of the Corn-laws.—By Mr. Hume, from a place in Scotland, for a Free Pardon to Frost, Jones, and Williams.—By Mr. Baines, from Leeds, against the Stade Duties.—By Mr. Hume, from St. George's-in-the-East, against the Copyright Bill; from Glasgow, for an Extension of the Franchise, and Vote by Ballot.—By Lord Sandon, from some Society, against the Opium Trade.—By Mr. Colquhoun, and Mr. W. Gordon, from a number of places, in favour of Non-Intrusion; and by the latter, from other places, against the same.

CHINA — CORRESPONDENCE.] Sir *James Graham*, not seeing the noble Lord at the head of the Foreign Department, or any hon. Member connected with the Admiralty, in his place, begged to ask the noble Lord the Secretary for the Colonies a question relative to the Chinese papers which were laid on the table at a late hour last night. He did not find in those papers any account of some most important transactions mentioned in the last accounts received in England as to the port of Canton being declared in a state of blockade by Captain Elliott, a remonstrance having been made on the part of certain American merchants against the blockade of the port of Canton and also an action said to have taken place between certain Chinese vessels of war and some of her Majesty's fleet. He wished to know whether her Majesty's Government were in possession of any information with respect to the blockade or the action to which he alluded; and if so, whether it was their intention to lay it upon the table?

Lord *John Russell:* No official account has been received of the naval action, or of the transaction to which the right hon. Gentleman has alluded. Private letters have reached this country from Captain Eliott and Captain Smith, and when official accounts are received there will be no objection to lay them before the House.

Sir *James Graham* had been informed, that there was a letter addressed by Captain Elliott to the late Admiral Maitland, giving an account of the blockade, and that that letter was transmitted by the late Admiral Maitland to the Admiralty. Surely that was an official communication to the Government, and he presumed her Majesty's Government would not object to lay that document before the House.

Lord *J. Russell* said, there were letters of that kind, but they were not letters that contained any narrative of the transaction; and he did not think that they were letters that could be laid before the House, however, he would not give a positive answer without referring to the letters themselves.

PRIVILEGE — STOCKDALE *v.* HANSARD — BILL TO SECURE PUBLICATION — ADJOURNED DEBATE.] The Order of the Day was read for the House proceeding with the adjourned debate on on the printed papers.

Mr. *O'Connell* thought the plan of proceeding now proposed by the noble Lord not consistent with the honour, the dignity, nor the safety of the House, and therefore he entered his solemn protest against it. Let the House remember, that they were struggling for the privilege of giving information to the public—of giving to the public the grounds of their proceedings. They claimed nothing for themselves, their entire struggle was for the public; it ought, then, to be a popular struggle, and once that it was properly understood, it necessarily would be so. It could not but be regretted, that persons who had stood forward at one time as the champions of the liberty of the press—who would have it secured from prosecutions by *ex officio* informations, and free from prosecutions by the crown—it was not but to be regretted, that there should be seen men of that stamp now taking part against the House of Commons in the claim that it made, and the right that it was contending for. That which they were contending for was that which, under every variety of circumstances, they had enjoyed for two hundred years. It was a right of publishing, where a party's proceedings rendered it necessary, defamatory matter. That they had published for two hundred years with impunity; and not only with impunity, but unassailed. The public had acquiesced in the propriety of giving that information during the whole of the period he had stated, and yet during that period hundreds and thousands of persons must have been affected by the matters which were published against them. Various persons must have been accused of crimes and misdemeanours in these publications; and yet until Stockdale prosecuted them, nobody had ever thought of assailing this right. Stockdale was the first man who for two hundred years had ever engaged in a prosecution against them. That they should distinctly understand. The first proposition then was, that for such a length of time they had enjoyed the privilege entirely unimpeached. The second proposition was this, that it was the opinion of this House pronounced almost unanimously—it might indeed be said unanimously—that such a privilege should exist, and that they could not perform their duties fully, efficiently, or satisfactorily, without the enjoyment of such a privilege. An overwhelming majority of the House had affirmed the latter position; indeed, it was scarcely contradicted even by those who were opposed to their manner of enforcing it. One portion of their antagonists disputed the mode of enforcing their privilege; a second was opposed to the privilege itself. They first found the privilege itself maintained by almost all the great leading men of the House, on both sides; they were upheld by a large majority, and by almost all who called themselves Radical Reformers. The privilege was not controverted—it was not opposed by reasoning, or anything in the way of logic; the only contest then was, as to the mode of vindicating it. He must, by way of parenthesis, observe, that a gross mistake was made by Gentlemen who were opposed to the mode adopted for the vindication of the privilege of the House. Those opponents alleged that the House confined the sheriffs, who had been guilty of no moral crime. But then, when it was admitted that the sheriffs had committed no moral crime, Gentlemen fell into the mistake of saying that the House punished those who were innocent, and that was unjust. The House was influenced by no feeling of vindictiveness, and by no desire of vengeance; but the sheriffs lay in the way of the execution of the privilege of the House. The sheriffs were the instruments to prevent its efficiency, and the House removed the sheriffs out of the way, in order that the privilege might have efficiency. Had the Members of the House the right to do this? Why, they had the right, if they were the judges of their own privileges; and of what value would be their privileges, if other tribunals had the right to decide them? In that case they would have it not. They could not have it, if they would not enforce it themselves, but should go as complainants to other tribunals, where, if they failed in prevailing on them to concede their privileges, of what use could such privileges be to them? One argument that had been raised against the exercise of this privilege, was its inconvenience. He admitted that there might be many inconveniences, and that they could in argument suppose many monstrous cases, apparently coming within the principle. But these and such other inconveniences could also be attributable to the exercise of the judicial functions—for instance, a judge might sentence a man to be executed, even though he had been acquitted by a jury—a judge, too, might send a man to gaol for contempt, because his countenance displeased the judge, and the judge, too, might fine him 50,000*l.*—still nobody apprehended that the judges would go to that extent. And yet the judges were independent for life—they were perfectly independent—while the Members of that House could not be said, even for the longest period, to be independent for more than seven years. There was a constant appeal from the Members of that House, if they misconducted themselves; and they could have no appeal from the judges in the exercise of their privileges. That House and the legislature alone could check the abuses of the judges. The public at large could check the abuses of their privileges. They must have public opinion to control them in the mode that was most efficacious—their total exclusion if they abused the power entrusted to them. The argument, then, that there would be an excess on their part, was much weaker than when applied to the judges or any other body. He took it, then, that they must be the sole judges of their own privileges; then by what mode were they to vindicate them? The bill proposed was founded upon the supposition that they could not vindicate their privileges. They had the mode of imprisonment. It might, he admitted, be made a nullity, if they encouraged the notion that men were, upon slight pretence, not to suffer for violating their privileges. But such excuses were never urged against the execution of the privileges of the courts of law and equity. The House had the same mode that those courts had of vindicating their privileges—that was the mode of imprisonment. Whoever violated these privileges should be subjected to imprisonment, which lasted as long as Parliament sat, and which, by adjourning over the session, might be continued for a longer period than the mere sitting of Parliament. They had, then, this mode of protecting their privileges—by imprisonment. That was the method by which all their privileges could be protected; it was a method which was found efficacious in the courts of law and of equity. The courts of law might impose fines—but the courts of equity could only imprison. It had been efficacious in other courts—and it was in that House until the present moment. Hitherto it had been completely efficacious. That, then, being so, had they a right to go any further—or to ask anything further—or to submit themselves to the other House of Parliament and the Crown, in order to obtain something further? He said, then, that his first objection to the bill was this—that before they tried to obtain a bill, they should have tried the efficacy and the extent of their power in maintaining their privileges. In the first case, one of the sheriffs had been absolutely discharged—not as the right hon. Baronet proposed, by the notice he had given that day—discharged upon bail. They had then committed that fault; while, as to the other sheriff, he was still in custody. They had let one sheriff already go abroad. He thought, then, that they had acted with weakness, and with too great lenity. They should not have allowed the sub-sheriff to go at large, who was still opposing them. In his opinion, they had not gone far enough. In former periods, he need not tell the House that they did not stop with the inferior officers, but had gone a stage higher. He did arraign those who were bringing in and supporting this bill, of a want of political courage. Why, he asked, should counsel be permitted to violate their privileges with impunity? Why should judges be allowed to violate their privileges with impunity? If they were right, let them "be just and fear not." They should not, then, ask assistance from the other House, until they had tried all the powers which they already possessed. It was said that the judicial opinions of the Queen's Bench were to be treated with respect. But what respect could be excited by the course of proceedings adopted by the Court of Queen's Bench in this matter? Their decision—of course he did not refer to the persons who pronounced it—could only be treated with sovereign contempt by that House. There was not a single lawyer on either side of the House, who had ventured to contend that the judges were right. There was not a single lawyer, whatever might be his opinions, whether for or against their privileges—whether for or against the sheriffs—there was not a single lawyer who maintained that the judgment of the Court of Queen's Bench in this case was right. Even considering the strong and decided part which had been taken upon this question by the right hon. and learned Member for Ripon—a first authority in the law—he said so sincerely; the right hon. Gentleman's works proved it; of that right hon. Gentleman he would say, that if ever there was a lawyer who knew the whole of the law, he knew it; and yet he, who thus took so active a part against the privilege, never declared that his judgment went along with that of the Queen's Bench. That right hon. Gentleman, by implication, condemned it, with all the rest of the lawyers in the House. And these persons talked to him of the necessity of respecting the courts, and maintaining their power, as opposed to the privileges of that House. They might find it necessary to attach the judges themselves. They had, even since he was a Member of that House, brought a judge before them. They had in that House, and by their publications, charged Sir Jonah Barrington with peculation—with having laid his hands on the money of the suitors in his court, and of having spent that money for his own private use. If ever there was a publication in which there was a criminatory matter, that was one. It was a possible fact, too, that instead of Lord Denman there might be a Sir Jonah Barrington to put his hands into the pockets of the suitors in his court. Supposing such a case occurred, and they ventured to publish it, what would be the remedy? Why, the moment the publication appeared, stating that fact, the publisher would be considered to have insulted the judge, the publication would be considered a contempt, and the individual they had authorised in its publication would be attached by the court and sent to gaol. He said, then, that Lord Denman, in that supposed case, would have a right to issue an attachment; and the rest of the court, as they had already concurred with him in principle, would also agree in this, and the individual would be attached, and might lie in gaol as long as the court chose to keep him there. Lord Denman, too, might try their printer on an indictment, when the truth as to the facts would not be permitted to be given, as truth was no defence where a party was indicted for a libel; and thus, then, they perceived that a man would be punished for doing that which he performed at the instance of this House. They might praise the present judges as much as they pleased; but bad times and bad judges might come, and then let them see in what a situation they would be placed. The law left the judges irresponsible for whatever bad act they might do, criminally or civilly, as judges; for such acts they were to be free from action or indictment by any individual; they were responsible to the Commons' House of Parliament, and to nobody else; and yet it was said, forsooth! that they were to be responsible to the judges, and the judges to be responsible to them. Was that, he asked, common sense? They were contending for a privilege that was useful to the public, and not to those individuals who formed that House. That privilege was the common law of the land, and was absolutely necessary to enable them to perform the public business of legislation which was confided to them. They must possess those powers and means, without which they could not properly legislate. He was of opinion that the existence of the privilege being clear, the mode of vindicating it was clear also, and that they ought not to depart from that mode, or place their privileges in that peril in which this bill would place them. The noble Lord opposite (Lord Stanley), in the able speech he made last night, not being a professional lawyer, had been drawn into a mistake in supposing that any recital in the proposed bill, would affect the decisions of the Court of Queen's Bench. The noble Lord should recollect that, unlike France, we had no code of law to refer to. The landmarks of the law were the judgments of the courts. When a judgment was acquiesced in, it became law, and any censure of such judgment, whether given by a private individual or by a body of persons not authorized to reverse it, would be idle. The fact of a judgment not being directly contradicted or overruled, amounted to an acquiescence, and, when a judgment had been thus acquiesced in, future judges would not feel themselves at liberty to depart from a rule so established. But if they were after all determined to proceed by this bill, the House should recollect that that bill would have to be submitted to another tribunal. They all knew the force of the epigrammatic points with which, in that other tribunal, some noble and learned Lord, if he pleased to come forward and dispute the privilege, might inflame the very worst passions of parties out of that House. The privilege claimed by the House was disputed by two classes —by the Chartists on one hand, and by the ultra-Tories on the other; and if they threw in the advantage of all the power and eloquence of a man reckless of everything but carrying his point, they might create an opposition to their privileges such as they had not yet met with, and such as they were not likely to meet with, unless they provoked it in this way. If they doubted about their own privileges, they would afford opportunities of having those privileges ransacked and villified in a quarter from whence they ought not to expect or seek protection. He would not submit the privileges and powers of that House to the keeping of any party—privileges and powers which were always necessary, and at no time more necessary than at present. He begged leave, in conclusion, to enter his protest against this proposed mode of proceeding, and to remind the House that they were battling with that which had been condemned on every side as an erroneous jndgment of the Court of Queen's Bench; and having right on their side, and struggling for the advantage of the public, they ought not to have the appearance, much less the reality, of shrinking from the contest, until they had exhausted all the means at their disposal.

Sir *W. Follett* said, that the hon. and learned Member for Dublin opposed the introduction of this bill because, as he said, the House had at present the means of carrying the object sought for by this bill into effect. It had been intimated before, that they ought to summon, and the hon. and learned Gentleman now called upon the House to summon, the judges of the Court of Queen's Bench, and commit them for giving a judgment contrary to the opinion of the majority of that House. The hon. and learned Gentleman said, that unless they did this they could not effectually vindicate the privileges of the House. He would call the attention of the hon. and learned Gentleman to what he considered the proposition before the House. He would say, in the first place, that it had not been disputed by any of the leading Members of the House, that the House had power to communicate freely and without question its proceedings to the public. This was the opinion he had always entertained, and which he had expressed on all occasions. He thought the House had the power, and ought to have it, because he considered such a power essential to the due discharge of its functions. With all deference to the judgment of the Court of Queen's Bench, he had no hesitation in repeating the opinion he had before expressed—that in this case the publication having taken place by the order of that House, it ought to have been declared to be unquestionable by that Court. He must express his regret that the House had not adopted the advice which he thought it his duty to give in an early stage of these proceedings. The opinion he expressed when the judgment of the Court of Queen's Bench was given was, that they ought to have questioned that judgment in a court of error. He regretted that that course had not been pursued. He was of opinion that if they had brought a writ of error they would have been spared the proceedings that they felt themselves compelled to take, and they would not have found it necessary to commit parties by the authority of that House, or of the Legislature. He wished to know by what means they could reverse the judgment of the Court of Queen's Bench? That could only be done by a writ of error, or by Act of Parliament. He was distinctly of opinion that the House posssessed the privilege it claimed; he thought that privilege essential; and he also thought the Court of Queen's Bench ought to have given a different judgment; but still he felt great objection to the course of proceedings that had been adopted by the House. He objected to them, because he did not consider them to be a constitutional mode of interfering with the court; and he objected to them also, because he believed them ineffectual. It was said by the hon. and learned Gentleman the Member for Dublin, that the House had not proceeded to the utmost. Let them work the privilege to the utmost, and see what the House could do. Take the case that had already occurred. An action is brought during the recess, and judgment is obtained. When they met, what would they do? Would they commit the sheriff? The hon. and learned Gentleman said, that they had discharged one sheriff, and they were prepared to discharge the other. But suppose they kept him in custody, what then? Keep them, said his right hon. and learned Friend the Solicitor-general, till the privilege of the House was vindicated, and the hon. Member for Bridport (Mr. Warburton) said, that the sheriff might obtain his release when he liked, by paying the money. They had not prevented Stockdale from obtaining the fruits of the judgment given in his favour; and did they think, after that, that they would be vindicating the privileges of the House if they made the sheriff pay the money again? What would they do with the money if the sheriff paid it? It was true that they would not have to vote payment to Mr. Hansard; they would save the public purse about 600*l.*; but they would not have prevented the plaintiff from having successfully instituted an action and walking off with the fruits of it. But if they kept the sheriff in custody, that would not show that their power was effectual to vindicate their privilege. Suppose the present sheriff had done what the under-sheriff stated that he was willing to do—namely, that he "would obey the orders of the House as far as he could;" an application is made to the Court of Queen's Bench, and the sheriff makes a return of an order of that House, directing him not to levy. This would bring directly under the cognizance of the Court of Queen'a Bench the resolutions and orders of the House, and what would be the consequence? They knew from the facts that had occurred, that the judges would treat that return as a nullity, and would order it to be taken off the file. He wanted to know what the House was prepared to do in that case? The judges would declare the return a nullity, and would order the sheriff, notwithstanding that return, to execute the writ. The sheriff would come to that House and say, "I have taken your resolutions to the judges, they have had judicial information of them, and notwithstanding that, they have directed me to proceed, and if you do not protect me, the judges will send me to Newgate." If after this the sheriff proceeded to execute the writ, would that House take him into custody for obeying the orders of the Court of Queen's Bench, or would they do what the hon. and learned Member for Dublin stated that they ought to have done—namely, summon the judges to the Bar, and tell them they had been guilty of a breach of the privileges of the House, and ought to be punished. They could not avoid that dilemma, and if they were determined to support their privileges by means of committals, they must summon the judges, and not the sheriffs. Let him ask hon. Members if they were prepared to summon to the Bar the judges of the courts of justice, not for malversation or peculation—as in the case to which the hon. and learned Member for Dublin referred—not for misbehaviour or misconduct, but because they, men of learning, of character and honour, had conscientiously given a judgment according to the best of their knowledge? Would they summon the judges, and compel them to state the grounds on which they had come to their decision? Was the House prepared to take such a step? He could well understand such a course being pursued in other days, in bad times, for such things occurred not in the good times of our history, but in times of trouble. It was true that the House of Commons had summoned one judge to the Bar. There was a wide distinction between the times when that judge was summoned and the present times. If they summoned a judge, or any other person to the Bar of the House, their power would be wholly ineffectual unless they were backed by the people. In the times to which the hon Member for Dublin alluded, that House was struggling for the liberties of the people against the court and against the power of the Crown. That made the House of Commons popular, and in the steps taken by them they were supported by the people. In what position did the judges stand, then? The judges were wholly and entirely dependent on the Crown, removable at the will and pleasure of the Crown, and dependent for their salaries and places altogether upon the Crown. They were chosen not always for their learning, but sometimes for their subserviency, and the public considered the judges as the mere creatures of the Crown, and therefore it was that they supported the House of Commons when they went the length of taking steps against the judges. Was that the case at present? In what position did the judges stand now? They knew that there had often been exhibited a want of reverence towards the constituted authorities, but he believed that in all times, even of the greatest trouble and discontent, the judges were an exception to this rule. There was an unbounded and well founded confidence in their integrity and learning. They were not dependent on the Crown; but, on the contrary, they were perfectly independent of the Crown, and of the public, and indeed of every other authority in the state. They were appointed to administer justice, and administer it in the most honest, most conscientious, and most upright manner, and he was satisfied that if that House attempted to interfere with the administration of law, or to bring the judges to the bar of the House, it would be the last time that that House would exercise any privilege at all. The hon. and learned Member for Dublin said, the judges were responsible to the House of Commons. In what way? It was true that either House of Parliament might present an address to the Crown to remove a judge, and so far the judges were responsible. It was also true that that House might impeach a judge; but he had yet to learn that the judges were responsible in the way pointed out by the hon. and learned Member for Dublin. If the judges gave a judgment that was displeasing to the majority of that House, were they liable to be questioned and censured for that judgment, and were they to be liable to punishment? If this were contended for, they must keep the judges in custody until they retracted their judgment. He asked the House whether such a proceeding were possible? If the hon. and learned Member for Dubthought the protection of this privilege—privilege was not a proper name to apply to it—the protection of this right, rather—essential, and if they could not protect it except by the course pointed out by that hon. and learned Gentleman, he thought that the strongest possible argument in favour of the noble Lord's Bill. He thought the argument of the hon. and learned Gentleman, that they ought effectually to work out the power they possessed, before they brought in a bill, led to its refutation, for he had shown that they could not effectually work out their present power, and therefore, some bill of this sort was necessary. With respect to the bill itself, he wished not to give any opinion upon it. He could only know what the bill would be from the statements of the noble Lord, and he therefore did not wish to give any opinion upon it, as much would depend on the manner in which it would be drawn up and worded; but addressing himself to the strong advocates of privilege he must say, taking what the noble Lord had stated to be the object of the bill, he could not conceive that the advocates of privilege had any right to complain of it. If he understood the noble Lord, the bill would be confined solely and entirely to the power of publication which was questioned, thus leaving entirely untouched every other right and privilege of the House. The noble Lord (Howick) cried "hear," as if he thought that this bill would affect the other privileges of the House. He wanted to know how that could happen? He was standing up for the right of publishing papers, but the Court of Queen's Bench had decided against them, and they found that they could not effectually maintain that right. Was there any inconsistency in getting an act of the Legislature to provide additional power and security? The noble Lord's bill enabled any printer or publisher, under the immediate orders of the House, whether in the recess or not, to stay proceedings in any action; and if they pushed their privilege to the greatest extent, they could not do more. The bill would in no way interfere with any of the privileges of the House, and he could not therefore conceive how the high sticklers for privilege could say that the privileges of the House were affected by this bill, when they found that they could not effectually support the power of publication without additional means, which means must be provided by the Legislature. His right hon. Friend behind him (Sir Edward Sugden) opposed the introduction of the bill on the ground that they had no right to make an enactment for the protection of the publication of their papers, while they left untouched the two resolutions of 1837, and the resolution of 1835. The resolutions of 1837 were in no way confirmed or sanctioned by this bill. It left them to stand exactly upon their own merits. If they were well founded, the privileges stated in them would be supported, but if they were not well founded this bill would give them no additional support whatever. With regard to the other argument respecting the resolution of 1835, for the sale of papers, if it were meant that the bill itself ought to contain some regulation or legislative enactment to alter that resolution, he must say that he entertained the strongest objection to any legislative enactment to regulate the proceedings of that House. As far as the resolution itself went, he felt the strongest possible objection to the continuance of the resolution. He thought that resolution injudicious, and he could not fancy that any saving it might have produced could be any possible counterbalance to the injury it had caused. He should be glad, therefore, if that resolution were altered. It was not, however, necessary as a precedent to this bill to enter into the consideration of that resolution. The House might alter it in another session, but to alter or rescind the resolution by way of bargain for allowing this bill to be introduced, did not appear to him to be the right way of proceeding. He should be quite ready at the proper time to support a motion for the appointment of a committee to inquire whether any effective check could be placed upon the publication by the House of defamatory or libellous matter. He gladly approved of the introduction of a measure which would prevent the necessity of having recourse to the measures they had of late been compelled to take; and which at the same time protected that right which the House ought to have, by an act of the entire legislature. He must say, also, that however anxious hon. Members might be to preserve their privileges unimpaired, he could not help asking, did hon. Members think that the scenes that had lately occurred in that House, the examinations that had taken place, and the sort of contest in which they were engaged with this wretched plaintiff, and with attorneys and attorney's clerks—did hon. Members think that these things could take place night after night, and that the character of the House would not suffer in the estimation of the people? He hoped hon. Members on both sides of the House would agree in thinking that they ought to congratulate themselves and the country that the noble Lord had at least brought this bill in, and, without pledging himself to its details, he would cordially vote for its introduction, at the same time expressing a hope that the bill would be of a description which would enable him to support it in every stage.

Mr. *Charles Buller* was of opinion that the sale of the Parliamentary papers had nothing whatever to do with the bill then before the House, and the giving a copy by any Member to a constituent, or to a friend, was as much an act of publication as if the sale was made by a printer or publisher. There was one point in which he concurred with the right hon. Gentleman opposite, and that was, that the House was bound to provide some remedy for attacks upon private character, as had been provided by courts of law in proceedings before them. He did not know what would be the report of the committee appointed to examine into that, but there was one subject which would be satisfactory to the public, and it was this, that persons injured by false evidence given before the House, should have an equal remedy as in courts of justice. He had not interfered in the discussions upon the privilege question, although he had given his vote on some occasions. He considered the bill a practical step towards the support of the privilege of publication, which he considered indispensably necessary, and he was convinced that public opinion was in favour of the protection of that privilege; but there was also another matter upon which public opinion was against the House, and that was the mode of enforcing that privilege. They complained of the mode as being repugnant to the notions of the present day. The bill proposed by the noble Lord would enable the House to maintain its privileges; but he would appeal to every Gentleman in that House, and ask him if there was not a repugnance to the mode of vindication which the House had adopted? Was it wise, then—was it seemly—that the House should bear contest and conflicts with the courts of justice upon that subject? Was it right to exercise coercion against the sheriffs and others by imprisoning them for what they could not avoid doing? There were some suggestions which were important to consider. The House was weaker than the judges, and the sheriffs succumbed to the weaker power. The House had the power of imprisoning for six months only—the judges had the power of imprisoning for twelve months. The judges were the more powerful, and for that reason the sheriffs obeyed them. The power of the House was a vindictive power and could not compel them to do what the House wished them to do. The conduct of the House was an old fashioned and cumbrous mode of sustaining the privileges which the present day would not sanction, similar to the old and exploded practice of stopping the supplies. [Mr. *Hume:* A good practice, too.] No man at the present day would think of an act so extravagant. [Mr. *Hume:* But I would.] Notwithstanding what the hon. Meberm said, he would support the bill, and thought that a similar remedy should be applied to the other privileges of the House, and if he could not obtain it for all the privileges, he would be anxious to obtain it for that of publication, and would be happy to avoid those scenes which did not raise the House in the eyes of the country.

Mr. *Gisborne* must confess his surprise when the hon. and learned Gentleman who spoke last but one called on the House to consider the exhibition that had lately taken place at the bar of the House, and used it as an argument for assenting to this bill; for it must be remembered that, had it not been for a wrong judgment of the Court of Queen's Bench, they never would have been reduced to that necessity. This bill now called on them to go to the House of Lords for assistance in the assertion of their privileges, but when he recurred to former instances in which a similar course had been adopted, he met with little to encourage him in adopting it again. He fully believed that the House stood now in a better situation than it did at the commencement of the contest, in many particulars; for there was not a lawyer in the House who did not say, that the judgment of the Court of Queen's Bench was wrong; and even at this time the Court of Queen's Bench seemed to be hesitating as to the propriety of the course they had taken, by their not directing the sheriff to assess the damages at once. He doubted much whether there was any public feeling against the House on this subject, notwithstanding what had been stated by the hon. and gallant Member for Lincoln. There certainly had been one public meeting in Middlesex, to which persons were admitted only by tickets, and when some strong resolutions against the privileges of the House had been passed; but he was not aware that throughout the kingdom, from one end to the other, there had been any particular exhibition of feeling against them. Ten or twelve elections had also taken place since this subject had come before the House, but he did not know that their privileges had even been mentioned on the hustings. He had understood the right hon. Gentleman opposite to suggest to the noble Lord that he should learn from his colleagues in the other House what course should be taken on this measure. Now, if any measure of the kind had originated in the other House, he should not have considered it so objectionable; but he would admit that he most cordially dissented from this bill, and would say, that the House ought not to go to any other body for assistance until they had endeavoured to maintain their privileges by all means in their power, and that they should address the Crown at the end of the Session, stating the difficulty in which they were placed, and praying that the House might only be adjourned, and not prorogued. He should oppose this bill in every stage, for if it passed, all their privileges would be compromised.

Sir *R. Peel* said, he was surprised to find that the hon. Member who had just sat down, would not be able to fight under his banner now in the effort to relieve the House from its present difficulty by means of a legislative measure, because from the very first he had said, that so imperfect as their powers were to maintain those absolutely essential privileges, he did foresee that they would ultimately be obliged to proceed to legislation. He had said the House ought to support its privileges by all the powers which it possessed; he had at the same time told them that he anticipated failure, but that he considered that no reason why every effort should not be tried to vindicate their privileges. He foresaw that at last they would have to resort to a legislative measure, and he did suggest the bringing in of a bill to settle the question. But an argument was now used, by which it was contended, that if this question was to be settled by legislation, all the other privileges of the House ought to be confirmed in the same manner. Now, he should have no objection to such a course, if he could find a means of defining all the other privileges of the House, but no other privilege was called in question, and he could not anticipate that any other would be called in question. If any other were to be called in question, he should then propose to take such efficient measures as would be adapted to the circumstances. But if he were to attempt to settle the privileges of the House by Act of Parliament, there would be great danger of omitting some essential privilege in such an enactment, and of thereby implying that no such privilege existed. That was his objection to any attempt to legislate upon every privilege of the House. In assenting to take the course now proposed to be taken, he adhered as strongly as ever to his original opinions upon this subject; he still thought an unlimited power of publication necessary to the proper discharge of the functions of the House; he still was of opinion that the judgment of the Court of Queen's Bench was altogether unwarrantable and irreconcilable with reason, and that it did not at all correspond with the grounds upon which it professed to be founded. He had distinct declarations from his right hon. Friend who had filled the office of Lord Chancellor of Ireland, for whose opinions he had the highest respect, and also from another learned Friend of his, for whom he had equal respect, and who was one of the highest and most distinguished ornaments of his profession, not only among those of the present day, but of any time whatever—he had from those hon. and learned Friends of his a distinct declaration, that they thought the House of Commons possessed the right of publishing its proceedings. The difficulties, therefore, that had arisen out of this question were not to be attributed to any extravagant or unfounded pretensions urged by the House of Commons, but to the judgment which had been pronounced by the court of law. The House was bound not to resort to legislation until it had, in the first place, tried how far the powers which it undoubtedly possessed were sufficient for the vindication of its privileges. And already the House had established one privilege by the course which it had taken. The power of imprisonment for breach of privilege was now established beyond question. They had compelled the court of law to recognize this power, and it was one which, having established, he would go on to exercise, if he did not expect still more effectually to protect the right of free publication by other means. If he failed in the attempt, he did not see that the failure would place the House in any worse situation. Indeed, he doubted whether the attempt and the failure would not fortify the House in the exercise of those powers which it now possessed, which he considered insufficient for the due vindication of its privileges. These powers he considered to be incomplete and imperfect, and their imperfection was the sole reason that induced him to resort to legislation. In the first place, they were imperfect as regarded time, the power of the House being limited by the duration of the Session; the law denied the House the power of prolonging the penalty of imprisonment beyond the end of the Session; during the recess, therefore, the printers of the House would be liable to be continually harassed by actions at law, and in consequence of the improvement that had taken place in the forms of pleading, those actions might now be brought to an issue much sooner than they could formerly have been. Now, the House had resolved not to plead, and it could not rely upon the protection of the court; was it then fit or decent that the printer to the House of Commons should during the recess be harassed by these proceedings for executing the orders of the House? Was it not a great, a monstrous indignity? He was told the House had a remedy—that it might be adjourned and not prorogued; but was it necessary to deprive the Crown of the great constitutional power of proroguing Parliament, in order to protect the printer of the House of Commons against such an individual as had originated these proceedings? Could a greater degradation be imagined to any constitutional authority than that it should be compelled altogether to abandon the power of prorogation, and resort to adjournment, for the purpose of protecting the servant of the House of Commons? What right would the House have to ask the Crown to render permanent the sittings of Parliament? It was surely better to resort to legislation than to such inconvenient expedients as these. His hon. and learned Friend the Member for Exeter had asked why the House had not appealed from the judgment of the Court of Queen's Bench by writ of error. It was indeed said, that a different opinion from that given by the Court of Queen's Bench was now held by the judges; but let the House consider whether, if any change had taken place in the inclination of the minds of the judges, the discussions that had taken place in that House had not contributed to bring about such a change; and then let the House recollect that the writ of error must have been brought immediately after the second action had been disposed of. He doubted whether the issue of the proposed appeal would at that period have been in favour of the House. The expediency of the course that had been taken must be judged by the state of things which existed then, and not by any change which might be supposed to have taken place since. If, then, the House had appealed, and the result of the appeal had been unfavourable, what was to be done? Ought the House to have stopped there, or to have appealed again, and to have submitted their privileges to the decision of the House of Lords? He knew there were many who now found fault with the course which the House had adopted, and advised an appeal to the fifteen judges, but who, nevertheless, recommended the House to stop there, and not to permit the House of Lords in its judicial capacity to give the final decision upon their privileges. But it appeared to him that whatever might now be the result of an appeal to the fifteen judges, there was not at the time when such an appeal must have been made sufficient probability of a favourable result to justify the House in taking that course. The power of the House, therefore, according to the existing law, was limited in regard to time. Now, he asked whether this power, while it lasted, was sufficient to prevent the plaintiff in an action from levying damages? They had committed the plaintiff, the plaintiff's attorney, the attorney's clerk, and also his son; they had exercised the powers which they posssesed largely, and without much restriction; but could they practically prevent the plaintiff from getting possession of damages? If they could not, what was to be done? He saw the difficulties that would attend legislation upon the subject, but if, notwithstanding the privileges of the House, every one had it in his power to levy damages of 600*l.* for a libel contained in the papers published by their orders, would they not give parties encouragement to prosecute actions against the printer of the House? He was told he ought to go on in the course in which he had commenced, and he was ready to do so if any effective security could be obtained against the recurrence of such proceedings; but if Mr. Stockdale got out of prison at the end of the session with the 600*l.* in his pocket, he would, in all probability, be very well satisfied with the result. Suppose, in the action now pending, damages were given of fivefold the amount of the former, how could the House prevent the plaintiff from receiving those damages. And then at the end of the session what a degradation it would be when the House, after all the proceedings which it had taken, had to vote a sum of 8,000*l.* or 9,000*l.* to defray the expenses of those actions! For the House could never be so unjust as to say to their printer, "Wait till we get the money from the sheriff, and then we will repay you the expenses which you have been put to for obeying our orders." The House could not get the money from the sheriff, and therefore it must be raised by a vote of the public money. In the mean time the servant of the House, an innocent man, was treated like a criminal, his goods were seized, and 600*l.* damages were levied; the loss, indeed, could not be estimated by the mere amount of damages, for the annoyance and anxiety to which Mr. Hansard had been subjected must also be taken into consideration. A vote of public money for such a purpose would surely be a degradation to the House. Well, then, could the House avoid it? Had it any means of escaping from the necessity of such a vote? If it had, well and good; if not, was it not expedient to try whether it was not possible to give efficient protection to their servant by means of legislation? It was said, that by legislating on this particular privilege they would prejudice the rest; he admitted that such an argument was deserving of consideration, but why should not a balance of inconveniences be struck in this case, as in all other human affairs, and why should not the course to be pursued be decided by the result of that balance. It was very well to say the House ought to go on with the conflict, but was not a succession of conflicts with such persons degrading to the House? Was it fit that their time, which belonged to the public, should be wasted night after night in such contests? Consider, too, the constitution of the assembly engaged in them; a single judge could effectually enforce and carry out the resolution to which he had come, but in the House every act, every exercise of power must depend upon the will of the majority. That was one of the inconveniences arising out of the constitution of a popular assembly: there would always be a difference of opinion, there would always be some opinion favourable to the party against whom proceedings were taken, and who would be encouraged by such opinions to resist the authority of the House. Thus a man who could obtain no respect in the circle in which he lived was raised by his conflict with the House to such an elevation, that his private character and his motives were wholly lost sight of. He was only regarded as the asserter of a great public principle, and found ranged upon his side men who entertained the greatest contempt for his private character, while men of the highest honour were co-operating with him, and this night after night. He (Sir R. Peel) doubted whether the power of imprisonment which the House possessed was as effectual as it was considered to be; he doubted whether this exercise of it would not involve the House in a series of contests, perhaps interminable. Let them not rely on the effect of committing the first counsel who appeared against them; others would come forward, for the spirit of party, and the desire of distinction were equally strong with the fear of punishment, especially when the punishment was inflicted in pursuance of what they would consider to be an unjust sentence. He doubted, therefore, whether imprisonment would produce the effect expected from it; but supposing that it would, still, if it were possible to legislate on the subject consistently with the safe custody of the other privileges of the House, he would much rather make the attempt than continue to be engaged in these nightly contests. Much, no doubt, would depend upon the form of the measure, but he gave his cordial assent to the proposal to bring in a bill, reserving to himself, of course, the right of expressing his opinion upon its details. He could not think their privileges would be endangered by passing such a bill. Reference had been made to the measure which had been passed to regulate the trial of election petitions; the House on the occasion of passing that measure had asked the House of Lords to concur in giving greater powers to the House of Commons; and yet he could not consider that their privileges had suffered any damage by this appeal to the other House, or that their powers were less complete than before. The same course had been previously taken when the Grenville Act was passed to remove the great embarrassment which had previously existed in the trial of election petitions, and yet this act had never been considered prejudicial to the privileges of the House. He did not see why any greater prejudice should arise from inviting the House of Lords to co-operate with the House of Commons in passing such a measure as was now proposed. Suppose the House of Lords attached to the bill any unreasonable condition; suppose, for instance, it insisted on an abandonment of the right of selling papers on the part of the House of Commons; it would be perfectly in the power of the House to reject such an addition to the bill, and if it was insisted upon, to refuse the bill altogether, and to fall back on the powers which the House had already exercised, and which would be in nowise injured by such an attempt. They had proved that they possessed the power of committing the plaintiff and the sheriff; why would they not be equally at liberty to do so again if they failed in their attempt at legislation? If the House could put other powers which it claimed in the more definite form of a legislative enactment, he doubted whether their exercise would not be rendered more acceptable to the public by the adoption of such a course, and he could not help thinking that the attempt to take such a course on the present occasion would, if the House of Lords refused to pass a proper measure, fortify the House of Commons in the forbearing, moderate, and temperate vindication of its privileges by such means as it now possessed. He hoped, however, that the House of Lords, seeing the practical embarrassment that had arisen, and seeing that the difficulty that had arisen was owing to no fault on the part of the House of Commons, but solely to the judgment which the court of law had thought fit to pronounce, would give the House of Commons such a measure as would be acceptable to it, and as would enable them effectually to exercise those privileges which were essential to the due discharge of its duties. He at first thought that it would have been better for this bill to have originated in the other House, but he had now changed that opinion, for he did not think that the House of Lords could have originated such a measure, without a previous communication with the House of Commons, and it appeared a more dignified proceeding for the House of Commons to originate this bill, than to ask for a free conference with the other House for the purpose of stating the inconveniences to which the House of Commons was now exposed, and asking relief at the hands of the House of Lords. He very much doubted whether the best course was not to present to the House of Lords such a bill as they considered would be the most effectual for the better protection of the right of publication, and at the same time most consistent with the maintenance of their other privileges. On these grounds, which he had always entertained and expressed,—admitting his apprehension that in the result their powers would be found incomplete,—his unwillingness, and he had never disguised it, to proceed to that step which he considered alien to the feelings and spirit of the present age, he meant committing the judges to prison—the unfitting collision between the highest authorities in the state, for after all, the effectual protection of their privileges in this contest must depend on the assistance of the Crown, they must address the Crown, and they must also rely in some measure on another branch of the Legislature; yet, believing that unless something effectual were done, the House would have to enter into contest, not merely with ministerial officers, but into personal conflict with the judges themselves,—believing that public opinion was decidedly in favour of this privilege, that the House of Commons, as the great inquisition of the country, the inquirer into abuses, the detector of corruption, the originator of wise legislation, should not be deprived of powers it had possessed for 150 years, to publish the grounds of its decisions,—believing that sound public opinion, though partially differing as to the best mode of vindicating it, was in favour of the House upon the main question, and he thought it most important, he had never concealed it, that the representatives of public opinion should be backed by that opinion as to the possession of the privilege,—firmly believing that public opinion, the sound part of it, formed on deliberation, would rather be in favour of permanent assured protection to their officers by the intervention of the law, than that they should maintain it by what might otherwise be unavoidable,—personal conflict with the judges, thereby setting an example of lowering the authority of the bench, on the respect and veneration for which depended the best interests of the country;—on these grounds, professing a determination to look narrowly at the provisions and recital of the noble Lord's bill, and foreseeing the immense difficulty of practically maintaining their privilege under present circumstances, the sacrifice of public time that must be unavoidable, the constant conflicts between the House and perhaps the lowest Member of the community with whom they might hereafter have to deal, he was inclined to think that the wiser course was to submit to the House of Lords that measure which on the one hand was considered most likely to give effect to the right of publication, and on the other not draw into question other privileges which were equally essential to the due discharge of their legislative functions.

Mr. *Hume* said, the right hon. Baronet on a former occasion had asserted that the House possessed the power of vindicating their privileges. The House had tried their power, and he wanted to know why they retired from the course they had commenced, unless they intended to define their privileges. Much time had been spent on the question, and if the system now advocated was continued, much more would be lost. Why did the House refuse to take the proper course—to bring in a bill which defined all their privileges? The Serjeant-at-Arms was likely to have an action shortly brought against him. Did the bill go so far as to prevent the action? If the bill did not do so, why did the House attempt to legislate for only a trifling part of the matter? He had heard it asserted by high authorities in that House, that the judges were wrong and the House was right; but would the right hon. Baronet venture to say, that the judges would not repeat their error? If the Lord Chief Justice really saw his error, the House ought to trust to that circumstance, before they violated a resolution on their books; or, if they did proceed, they ought first to expunge that resolution, which was to the effect that the House were the sole judges of their privileges, and any attempt to bring them under discussion was a breach of privilege. If the House departed from the high ground which they had taken at first, at least they ought to begin by doing away with what otherwise would be a contradiction in the proceedings. With respect to the privilege of publication, it ought to be secured in the most effectual manner, for he had seen so much good result from exposure of proceedings and practices, that the country had risen up to put down the obnoxious measures and men. He would ask whether the privileges of the Court of Queen's Bench were protected and defined by law. They were not so protected; their privileges rested on practice and precedent; and was it not degrading that one of the highest courts in the realm should be obliged to seek protection for its privileges under such a piecemeal peace of legislation? What he objected to was, that there was no ground for retreating at the present moment. He did not see what necessity existed for the noble Lord to retrace his steps—or why such a meagre and insufficient measure should only be brought forward; why not protect the Serjeant-at-Arms, who would doubtless want protection in a day or two? Would the noble Lord bring in another bill to effect that object? Would the noble Lord continue to bring in bill after bill when similar cases called for them? Suppose, for instance, a committee of Members summoned a witness before them, and the witness refused to attend. The House might be told they had no power to enforce attendance, because they could not show any statute—and because their power only rested, as the power of the Queen's Bench, on practice and long-continued usage. Many persons thought the House were wrong in not having their privileges defined—and why not have a distinct and definite law on the subject drawn out? He, however, did not think the House were driven to the necessity of resorting to the present bill. He entered his protest against it, and he expressed his sorrow he had entered into the contest. The House retired vanquished, for they by the bill violated the principles on which they were proceeding, and he should give his vote against the bill. The House ought to proceed in the way pointed out by the Solicitor-general. Let them first answer that hon. and learned Member's speech and averments before they went on with the bill; and if they could not fairly answer them, then they were bound to follow out to the utmost extent the course pointed out by the hon. and learned Member.

Colonel *Sibthorp* had always heard there was more joy in heaven over one sinner that repented than over ninety and nine just persons, and, as far as he could understand the hon. Member for Kilkenny, he was the repentant one in this matter. He believed that the noble Lord opposite was repentant too; otherwise he would not have introduced, at the eleventh hour, such a nonsensical and inoperative bill as that under discussion. He differed with regret from the right hon. Baronet, the Member for Tamworth, in his view of the question; but

"Aliquando bonus dormit Homerus."

The noble Lord had grounded his motion on the lamentable waste of the time of the House which the question caused; but why did the noble Lord not consider that point before? The fact however, was, that the noble Lord was not sorry, but right glad, of this waste of time, because it gave the Chancellor of the Exchequer an opportunity of bringing forward a more plausible budget than he otherwise might have had the means to do. The noble Lord had done all that he could do—he had imprisoned the sheriffs for not having violated their oaths—and now he came forward with this bill to declare himself vanquished. He did not hesitate, however, to say, that he looked with great suspicion on that measure; indeed, on every thing that emanated from the noble Lord. It might be called a Bill for the relief of the sheriffs, but it, in reality, only cast scorn upon their persecutors; and he declared to God, that he would much rather be incarcerated for the remainder of his days, than not act as those gentlemen did in discharge of their duty. He called on the noble Lord to fix a day for the different stages of his Bill, and so forth. In his opinion it was but a loophole to noose his right hon. Friend near him (Sir R. Peel.)

Viscount *Howick* confessed that the objections to the measure of the noble Lord urged the preceding night by his hon. and learned Friend, the Solicitor-general, were far from being removed, in his mind, by the debate of the present night. All those who had attended to the speeches of the right hon. Baronet opposite, and the hon. and learned Member for Exeter, must have perceived that those who supported the measure of his noble Friend were called on to do so by the admitted inadequacy, on the part of those hon. Members of the House to support its own privileges. It was consistent in the latter hon. Member to uphold the doctrine of an appeal to the fifteen judges, and from them to the House of Lords, because he had upheld it before in the debates on this question. But it was in his opinion a new doctrine to the law and constitution of the country that the dearest privileges of that House should be held at the discretion of the other branch of the legislature, for such would be its practical result. That doctrine, as he had said, was not inconsistent with the opinions already stated by the hon. and learned Member; but it was far otherwise with that maintained by the right hon. Baronet and the noble Lord, who had always been distinguished as the most strenuous assertors of the doctrine that the House was the sole judge of its own privileges. What was the use of the power of judging, however, if the judgment was to be a dead letter, as it would be if the bill of the noble Lord became law? It had been no doubt argued that, under cover of asserting its privileges, the House of Commons might do what it pleased, and establish any thing it desired; but was that difficulty escaped from by conferring unlimited power upon the House of Lords? If the House of Commons could declare any thing privilege by the bill of the noble Lord, the House of Lords would be enabled to deprive them of any privilege they now possessed. When it was believed that there was no authority to overrule the privileges of the House of Commons, there would be, for so long, no attempt made to impugn them; but once admit such an authority, and there was immediately a bonus offered for contesting them in every particular. The Solicitor-general had adduced a variety of instances in which they might and would be impugned in such case, and he would adduce another. Suppose the House sought to impeach a Member of the other branch of the legislature for malpractices in his capacity of Governor-general of India. Suppose in pursuance of their duty they sent to the India Company for the necessary papers, and suppose that body denied them, how was the House to proceed then? Under the noble Lord's bill it should bring the case into the courts of law, and, if a verdict was given against the India Company, the case might be removed by writ of error into the Exchequer Chamber, and then by appeal into the House of Lords? Here, then, was the House of Lords sitting in judgment on a case which involved its own interests, and yet that was what the bill naturally led to. Did the right of calling for papers rest on any higher grounds than the right of publication that it should not be questioned more than that? Not at all. The right of publication rested on two hundred years of exercise and undoubted acquiescence during a period when the strongest inducements existed to control it. It was a right which had been also recognised by the Court of Queen's Bench in the case of Horne Tooke. If the bill of the noble Lord were passed, the House would have no security, either in acquiescence or practice or prescription, hereafter, for any one of its privileges. The hon. and learned Member for Exeter had said, that it was proper for the House to submit to the law as laid down by the judges, and affirmed by the House of Lords. The right hon. Baronet, the Member for Tamworth, had said it was not proper, but that the House was helpless, powerless, and incapable of proceeding in the question. He however denied both positions. He did not think the privileges of the House should be judged elsewhere. He called upon the right hon. Baronet to produce proof of its powerlessness. The right hon. Baronet had argued that the power of the House was in abeyance during the recess, but to this he would answer that, if its rights were only resolutely asserted during the sitting of Parliament, it would prevent all attempts at impugning them in the recess. If the House showed the ministerial officers of the court that it would inflict signal punishment when it met, on those who lent themselves to such proceedings in its recess, he was quite sure that it would effectually prevent all such attempts against its privileges. The House had the power to do so; and only for the symptoms of yielding exhibited by the noble Lord, the sheriff would have paid over the money in dispute to the Messrs. Hansard. It might be said that it would be a hardship on the sheriffs to place them in a position of contempt to the courts of law; but that objection was easily met by a Bill of Indemnity. And he did not for a moment believe, that the courts would violate their duty and the law as laid down by Chief Justice Lord Ellenborough, that no officer of the court was bound to perform acts which involved contempt of privilege—even the privilege of the Board of Green Cloth. The case of the warden of the Fleet was analogous to what would be the case of the sheriffs under such circumstances: they would be protected by the House, and the courts would not attempt to interfere. He deprecated the course taken by the noble Lord. The House had been now engaged in a long and arduous struggle, and yet the noble Lord came down with a bill to surrender those privileges for which they had been so severely contending. The bill of his noble Friend was a virtual acknowledgment that the House was driven to its last extremity, and could no longer defend itself, but that it was obliged to seek the assistance of the other branch of the legislature. The noble Lord had argued that this course would put an end to the inconveniences complained of as arising out of this question, the waste of public time and temper, &c.; but he believed that it would have quite a contrary effect, and that there would be from henceforth more doubts and questions on the subject of privilege than heretofore. But if his noble Friend's argument was good for anything, it was good against himself. Why did he not bring in his bill before? Why did he consume the time of the House in idle and valueless discussions? The right hon. Baronet the Member for Tamworth, had said, that something had been gained by these discussions, if it was nothing more than enlightening the judges and the other branch of the Legislature, on the subject of the privileges of the House; but the right hon. Baronet had paid no extraordinary compliment to them in saying so, or in assuming that common sense and common judgment required such hammering to penetrate into their heads. If, however, these were admitted to be benefits, why not bring in the bill which conferred them earlier? He had stated what appeared to him to be the objections to this bill, even if it were to pass. But he now wished to ask the House—and it was a point worthy their serious consideration—whether they possessed any assurance whatever that the bill would pass? And if it did, in what a situation would it leave them? The right hon. Baronet had said, that public opinion would be more reconciled to proceedings of the House after this bill; that they would be fortified with more support, and that they would have greater power than they at present possessed to maintain the privileges they possessed. He could not adopt that view. It appeared to him that the efficient exercise of their privileges depended mainly upon the confidence with which they could inspire the public of their determination resolutely to maintain them. It was their want of determination alone, that made them weak. If that were the case, he would ask the House whether the difficulty would not be tenfold aggravated by the result of the attempt to carry that bill, if that result should be a failure? What would be likely to take place in another House? There would be a great array of legal authority against them. The proof that the House of Commons would have given, by the simple fact of bringing in this bill, that they distrusted their own powers would tell greatly against them. He believed that they would of necessity be compelled to resume that struggle in which they had already been engaged, and resume it with crippled means and weakened powers. He would ask his noble Friend what reasonable hope he could hold out that that failure would not occur? What reasonable security could he hold out that the bill would not be defeated? He must say that it struck him that his noble Friend in that part of his speech had expressed himself with a great want of confidence. He seemed to doubt whether he could venture to assure the House that he could rely upon the success of the bill before them. And what were the opinions of the opponents of their privileges? The right hon. and learned Member for Ripon had said that the bill in its present shape ought not to pass, and was not likely to pass. It appeared to him that all those who had hitherto opposed the privileges of the House, would be unwilling to consent to this bill, unless it were put in a shape that would cause the humiliation and concession of the House to be greater than his noble Friend would consent to. He did not hesitate to avow the belief which he entertained—entertained, indeed, with great sorrow—but which was forced upon him by all he had observed in the progress of the discussion — namely, that no small part of the Opposition they had had to encounter had arisen from a dislike to the reformed House of Commons, and from the wish to lower and degrade it in the eyes of the country. [This statement was met by loud cheers and *cries of* "Oh, oh,"] He repeated it —to degrade and humiliate the reformed House of Commons. He did not of course attribute such motives to hon. Gentlemen high in that House, the leaders of parties; but it was the opinion which he sincerely and reluctantly entertained, that the minority had been greatly swelled by the prevalence of the feeling to which he had alluded. The feeling, in fact, had been scarcely disguised, and Gentlemen who had voted in the minority had hardly scrupled in private life to say, that had the privileges in contention been those of the unreformed House of Commons, their votes would have been different. He had heard the assertion with his own ears. He had heard it argued thus—that the unreformed House not representing so great a proportion of the people, there was not so great a danger of its engrossing too great power and authority into their own hands; but since the state of the representation had been altered by the Reform Act—since the representatives had become united more closely with their constituents—since the democratic influence in that House had increased—it became dangerous to invest the House with so much authority. That was the arguments he had heard used. Independently of that, he would ask any hon. Gentleman who had observed the high excitement and ardour which had prevailed in supporting the views of the minority on this question, whether he could doubt that a feeling of that kind had actuated no small part of them? Then, if such a feeling existed in the House, would any man assure him that it would find no entrance and exercise no influence in another place, where it was notorious that a large majority of the Members were of opinions congenial with those of hon. Gentlemen on the opposite side of the House? If that were the case—if there were that source of danger—he would ask if they, as the representatives of the people of England, were justified in incurring such a risk? He would ask how his noble Friend who proposed this measure to the House could, after the course he had so long and with such high honour to himself pursued, reconcile his mind to the chance of exposing the House of Commons to so much danger, degradation, and humiliation? Nothing was more mortifying to him than the reflection that it should be from his noble Friend who had received such able support from hon Gentlemen who entertained similar opinions—such constant, firm, and unvarying support—that it should be from the hands of his noble Friend, who had introduced the great measure of parliamentary reform, that the power, the dignity, and the authority of that House should receive this mortal wound. Indeed he did regret it deeply and sincerely. Had the blow proceeded from another hand, he should not have been so much surprised. Why did his noble Friend take that course? Had any new difficulty arisen now, that might not have been distinctly foreseen from the first? He knew of none. If his noble Friend had been firm, his conviction was, that the House would have remained true to him, and have continued its support. He had seen no symptom of any hesitation, any wavering, any cowardice, any disposition to retreat, on the part of those on the Ministerial side of the House who hitherto had generally supported his noble Friend; and, if his noble Friend had continued resolute, he was satisfied that the right hon. Baronet, the Member for Tamworth would not have deserted him. But his noble Friend had chosen to give way. It was upon his noble Friend's suggestion—his noble Friend's advice—his noble Friend's recommendation, that the House of Commons, after having threatened and blustered—at the commencement, was now humbly to recede from all its lofty pretensions, and to acknowledge the necessity of appealing for assistance to the other House of Parliament. He knew full well that, as his noble Friend had taken this course, a majority of the House must be expected to support him. He knew full well that no appeal, no remonstrance, which so humble an individual as he could make upon the subject was likely to prevail against the influence which his noble Friend possessed with the majority of the House; but, though he might be unsuccessful in inducing the House to adopt his views, he was determined, so far as in him lay, to do what he conceived to be his duty. He, therefore, emphatically declared that he would not be a party to a course of proceeding which he felt to be humiliating and degrading to the House of Commons. He, at least, when the division took place, would record his name as one of the opponents to this first step in that fatal line of concession, which, when once commenced, he knew not where it might terminate.

Mr. *Macaulay* promised not to detain the House for more than a few minutes, but he confessed he had listened with so much pain to the expressions of his noble Friend, and of one or two other Gentlemen with whom, during the former proceedings upon this subject, he had most cordially concurred, that he was exceedingly unwilling to allow the question to go to a division without explaining, very briefly, the ground upon which he should give his vote. He had not as yet taken any part in the discussions upon this question. He would not again go over the ground which others had already trod with an ability and eloquence which he was sensible he could only feebly imitate. He would only say, in general, that he believed the House of Commons to be, by the law of the land, the sole judge of its own privileges—that he believed the privilege of publication to be by the law of the realm one of the privileges of the House—that he believed it to be a privilege essential to the due discharge of the duties of the House—that he believed the decision of the Queen's Bench, which attacked that privilege, to have been a decision founded not on law nor on reason, and that he never could give his support to any proposition that he conceived would tend to render that privilege doubtful. If the proposition now before the House were for a law to provide that henceforth this privilege should belong to the House of Commons, to such a proposition he should give the strongest opposition. But such was not the proposition of his noble Friend. He could perfectly understand, that by proposing to enact that such or such should be the right and privilege of the House, a question might be raised as to whether such a right or privilege had previously existed. The declaration that it should exist hereafter might appear to carry with it the implication that it had not existed previously. But the proposition in the present case was altogether different. All that was now proposed was by a new law to provide a new remedy for enforcing an old and well-established and undoubted privilege. He would take instances from cases perfectly familiar to every one. Suppose any Gentleman should propose to bring in a law to provide that a person holding a bill of exchange for a good consideration, should be entitled to have an action against the acceptor of that bill, to recover payment. The consequence of such a proceeding would be to throw into a state of doubt the whole of the negotiable paper current throughout the kingdom. But if, on the other hand, a bill were proposed to this effect—that the means of holders of bills of exchange not being sufficient to enable them to recover payment, therefore other means should, by a new enactment, be extended to them—would any person tell him that a measure of such a nature, acknowledging the right to recover in the fullest extent, but giving to the holders of negotiable papers an additional remedy — would any one tell him that such a measure would, in the smallest degree, bring into question the previously existing right of the holders of bills of exchange to proceed against the acceptors to recover payment? In point of fact, the proposition now before the House was not to provide, by a new law, that the House should have the privilege of publication—not to affect any of the existing remedies which the House already possessed for the vindication of its privileges—but simply to superadd a new remedy. It was not even proposed to substitute the new remedy for the old ones. The bill proposed by his noble Friend left the old remedies absolutely untouched. If, after the passing of this bill, any other person should think fit to imitate the example of Mr. Stockdale, and to set the privileges of the House at defiance, it would be as much as ever in the power of the House to send that person to prison. As he understood the bill, it did not acknowledge, did not in any way imply, that the House would not retain that power. It was founded merely upon this—that the remedies which the House now possessed, were in some respects imperfect—in some respects inconvenient. Did not every Member of the House acknowledge that fact? The noble Lord had referred to conversations which took place out of that House. Was there a single Member of the House who, when he went into the lobby, would hesitate to admit that there were some imperfections —some inconveniences in the remedies which it at present possessed for the vindication of its privileges? Was that a perfect remedy which applied only to one half of the year—which protected the privilege of the House during the sitting of Parliament, but left it wholly unguarded during the recess? Was that a perfect remedy which could only be applied by means of so large and so divided an assembly as the House of Commons? The noble Lord had stated what he thought to be the cause why so many Gentlemen on the opposite side of the House had ranged themselves against, what he conceived to be, the undoubted privilege of the House. But, whatever the cause, could there be any doubt as to its effect? Was there any doubt that there was within the walls of that House, a large body of Gentlemen who had done everything in their power to prevent the House from enforcing its privileges? What had been the loss of time upon this question? Was it not a matter of regret, that more time than had been occupied in the discussion of the most important measures—measures in which the interests of every part of the empire were deeply concerned—had this year been devoted to the discussion of a subject vexatious and troublesome in itself, important no doubt in many particulars, but singularly likely to be misconstrued and misunderstood by the people? His noble Friend said, he thought it necessary for the vindication of the privileges of the House to imprison the sheriffs; but at the same time he said he acquitted them of all moral blame. Was it not a matter of regret that the House to vindicate itself should be obliged to imprison persons guilty of no moral blame? Was that a convenient course? Let the House consider the case of the sheriff. He was not a person who sought his office—not a person who was fined for his office. He was taken and compelled to serve whether he would or not. He often made great interest to be exempted. "No matter," said the right hon. Gentleman, "you take him and compel him to serve you—you place him between two opposite forces—he receives commands and counter commands from both—he cannot obey both, and the moment he obeys one he is sent to prison for not obeying the other." Was that a state of the law desirable to be continued? Was it a state of the law in which the great body of the people were likely to acquiesce? He admitted that the House had no choice in the matter; it was compelled to imprison the sheriffs. He admitted, also, that the noble Lord the Member for Lancashire had stated last night, that if the House had not imprisoned the sheriffs, the Court of Queen's Bench would have imprisoned them. But that fact, so far from being an argument against the course now proposed by his noble Friend, appeared to him to furnish a strong ground in support of it. If a nation were forced to go to war, it was oftentimes compelled to make the innocent suffer with the guilty. If, for instance, there were a small neutral Power situated between two hostile and belligerent nations, however anxious that small power might be to preserve its neutrality, and to keep itself distinct from the quarrels of its neighbours, it would almost inevitably happen, that one or other of the two great Powers would find it necessary for the protection of its own immediate interests, or for the better prosecution of its hostilities, to encroach on the independence of the smaller State, and to make it an instrument in the advancement of its own views. This was conspicuous during the last war in the case of Holland. We know how little Holland liked Bonaparte—how it detested his continental system, how it hated his dominion—yet we were at last forced to blockade her ports, and to treat her with severity, because it was essential to the preservation of our own interests and our own independence. In the same way did he (Mr. Macaulay) defend the necessity which compelled the House of Commons to send the sheriffs to prison. But he maintained that this was a state of things which rendered it absolutely necessary for the House to resort to some legislative enactment to prevent a recurrence of similar difficulties for the future. He did not understand what a Legislature existed for, if not to meet such cases as these. If there were two powers in the State, neither of which was in the nature of a Court of Appeal from the other—if these two powers gave counter orders to the same officer, and had the power of imprisoning him if he disobeyed—if the officer, distracted between the two, obeyed one and was immediately imprisoned by the other, surely, if ever there was a case in the world for legislative interference, that was one. Nay, he would go further: the Solicitor-general stated last night that the House had the power of commitment; and then went on to contend that all experience had shown that that power was sufficient to enable it to vindicate its privileges. No doubt it would be sufficient, if it were vested in the hands of a party who were ready to exercise it unsparingly and unmercifully. If the House were in all cases to do that, he certainly believed that it would have no difficulty in carrying its point. They all knew how the ancestor of his noble Friend the Member for Cornwall (Lord Eliot) was treated—how he was kept in prison till his spirits, health, and strength gave way—how his imprisonment was continued even to the hour of his death. But in the present day it was impossible for the House of Commons to pursue so harsh a course. Their own good nature would not allow them to do so. The feelings of the people would not permit them to do so. The very moment that the health or spirits of a prisoner began to suffer, that moment the House began to relent, and either upon the instant, or shortly afterwards, the prisoner was set at liberty. So that when the House possessed itself of a prisoner of a robust and hardy constitution, it might have the power of completely vindicating its privileges, by detaining him in prison till the question at issue was arranged; but if it happened to have a prisoner of a bilious and apoplectic habit, in that case its privileges must be abandoned, or only feebly asserted, because the health of the prisoner suffered from confinement. Even if the health of Mr. Stockdale himself should appear to be seriously affected by his imprisonment, it was certain that he would not long be detained in custody. Under these circumstances, it appeared to him, that the House was absolutely compelled to seek some other mode of protecting and vindicating its privileges. The noble Lord had asked, what would be the effect if this bill should be carried through the House of Commons, and lost in the House of Lords. He hoped that the bill would be carried through both branches of the Legislature. He hoped—most earnestly hoped—that the other House of Parliament would interfere to save the country from the scandals and the horrors that would necessarily follow, if it drove the House of Commons, in absolute self-defence, to use the whole of the extreme power which it possessed for the protection of its privileges. But if the Bill should unhappily miscarry in the House of Lords, then he said this, that the House of Commons would be absolved. They would have gone to the other House, not in a degrading or humiliating manner—they would have said, "We do possess the power of vindicating our privileges—we have the power, if we please, of throwing the whole of the country into confusion—we can stop the supplies—we can stop the Mutiny Act—there is no power which any political body can possess which we do not possess—we have the power of imprisoning every man who invades our privileges—we can commit every judge in the country, not being a peer, if he do not respect our privileges. We have the power of confining every ministerial officer who shall execute the sentence of any court, if that sentence be at variance with our privilege; but it is not our wish, by means like these, to enforce even the most necessary of our privileges. We apply for a new remedy, not because we have not in our own power remedies that are sufficiently stringent and effective, but because those remedies are such, that some of them cannot be applied without the dissolution of society, and a cruel pressure upon individuals; we have remedies sufficiently severe—we look to you, my Lords, to assist us in adopting one of a milder nature; we have remedies sufficiently powerful to enable us to attain our ends, but which, from their severity, would be disagreeable to the great body of the people—we ask you, my Lords, to give us a remedy which the whole of the people, without exception, will unite in approving." He believed that by going before the House of Lords in that manner, they would have the post of no mean suitors. He believed that there would be nothing degrading on the part of the House of Commons, in bringing forward a measure the object of which was to secure the liberties of the people, and at the same time to enable the House to act with greater lenity in all its dealings with those who, from the misfortune of their situations, or from some other cause over which they had little or no control, had been guilty of violating its privileges. He believed that, if the House of Lords refused to give its assent to such a measure, the House of Commons would then be fairly supported by public opinion in the adoption of measures much stronger than any to which it had yet resorted. He believed that measures stronger even than those suggested by the hon. and learned Member for Dublin, would find a support out of the House greater than was imagined by any who sat within the House, if, having proposed a mild remedy for the protection of its privileges, the House should be told by the Lords, that to that mild remedy they would not give their assent.

Mr. *Bernal* thought that a reference to the old topics of debate was on this occasion quite unnecessary; but the noble Lord compelled him to repeat what had been again and again stated to the House—that the judges had held that the question of sale had nothing to do with the matter, and that it was altogether a question of privilege. The noble Lord the Member for Northumberland had said that the introduction of this bill was fraught with evil. To him it appeared that the whole question before the House was a choice of evils; but he could not agree with the noble Lord that, in introducing the present measure, his noble Friend the Member for Stroud had evinced the least desire to call upon the House of Commons to do any act of humiliation or degradation. Much stress had been laid on the action which had been brought by Mr. Howard against the Sergeant-at-Arms; and it had been asked what course would the House take in that case? He, for his own part, did not look upon that question as one of any magnitude, or in any degree calculated to sway the House in the decision to which they should come on the present occasion. The Court of

Queen's Bench had acknowledged that the House of Commons possessed the right of committal. If, then, Mr. Howard should proceed with his action against the Sergeant-at-Arms, on the ground of his commitment by order of the House, the Court of Queen's Bench would, he had no doubt, scout any such action. It had been argued by the noble Lord (Lord Howick) that there was great reason to apprehend that the House of Lords would be adverse to the proposed measure. He saw no just ground for any such apprehension. The House of Lords were equally interested with that House in maintaining the privilege of publication, and he did not think it was reasonable to look prospectively to any supposed factious spirit or mischievous feeling on the part of the House of Lords, that might induce them to oppose this bill. He begged to ask those hon. Members who objected to the introduction of the bill, but who at the same time arraigned the judgment of the Court of Queen's Bench, in what way it was that they proposed to reverse that judgment? He did not hear his hon. and learned Friend the Solicitor-general, in his argumentative speech of last night, state what it was he proposed to do with that judgment. If the bill should be introduced in accordance with the spirit announced by his noble Friend, it would not add one iota to strengthen the decision of the Court of Queen's Bench. The bill would leave that judgment where it was, nor would the House in any degree compromise itself. All that the House did by its introduction, was to declare that they were led, by a consciousness of what was due to themselves and to the country at large, to propose a moderate measure, which might tend to mitigate the severity of those proceedings which the House had, in vindication of their privileges, been hitherto compelled to adopt.

Captain *J. Hope* declared that he had never been actuated in the course he had taken on this question by any feeling of hostility against the reformed House of Commons.

Sir *S. Lushington* intended to vote for the introduction of the bill, and in doing so he did not believe he should be guilty of any vacillation of conduct, or be abandoning any principle he had formerly avowed, or prove himself destitute of any courage which every man ought to possess when the most valuable privileges of that House were questioned. He denied that in adopting this course he was a party to any act of degradation, or was in any degree departing from the line he had hitherto pursued. What was the question they had now to determine? The question was this, whether it were expedient or not, under all the existing circumstances, to allow the introduction, for further discussion, of the measure of his noble Friend? He admitted this to be a question of momentous importance. According to the best of his knowledge and recollection, it was the very first instance in which the House of Commons, for the protection of its privileges, had been compelled to resort to any legislative measure. And in this view of the case, he had given it his most mature consideration, feeling fully aware that he was about to establish a precedent, and well weighing what the consequences of that precedent might be. When the question came to be considered in the way in which it ought to be, it would be necessary for them to divide it into two parts. They must consider what might be the probable consequences and effect of the measure if it should pass, and what might be the possible effects in case it should be defeated. It became their duty to address their attention to those two points like senators and legislators, shutting not their eyes against the dangers that might arise if the bill should become a law, nor against the dangers which were almost certain to arise if it should be rejected. But he must confess that he could not consent to put the question upon the principle for which his hon. and learned Friend (Sir William Follett) had contended. Without, however, entering into the legal argument with his hon. and learned Friend, he would content himself by simply stating that the difference between his hon. and learned Friend and himself was this:—He contended that the House of Commons was the judge of its own rights; his hon. and learned Friend told them that they had better go to the courts of law to ascertain what their privileges were. He believed that the House of Commons already possessed the power to maintain its privileges; but he agreed that to exercise that power to its full extent, so as to render it efficient, would be to produce inconveniences, and force on consequences which he, for one, shuddered to pronounce. He denied it not. But before he acceded to the argument of his hon. and learned Friend, it must first be proved to him that it was utterly impossible to maintain the privileges of the House of Commons without the direct authority of the Court of Queen's Bench. Let this be proved to him, and then he would say, melancholy as the condition might be, still it would be his duty to go to that court. But it was equally his duty, and the duty of the House, if it were possible, to find some means by which they might at one and the same time maintain their privileges, and avoid consequences which every sober-minded man must deprecate. Suppose the bill should fail, he would put this question to the judgment of every man, whether the House would not go back to the country with every possible advantage? Would not the public say to them:—"You have endeavoured to avoid the deep necessity of the measure which you have been adopting. You have yielded to the opinion of those who thought you had gone too far; you have sought by a legislative measure as far as possible to maintain the privileges that are essential to the efficient discharge of your functions; but you have been defeated; and the question you have now put to us, the country, is this:—'Shall we, the House of Commons, consent to shut out all information from the people, or shall we maintain our right of publication by a measure universally to be deprecated if not one of absolute necessity, but if of absolute necessity, for the maintenance of a countervailing good, shall we maintain our right, and our privilege, by such a measure?'" It was his decided opinion that if the House of Commons went to the people upon that question, the people would go with them.

Lord *John Russell* was sorry to have again to address the House upon this question, but there were two or three arguments which had been used against the principle he had adopted—and arguments which some persons might consider of great apparent force—which he did not like to pass without at least attempting to give some answer to them. The first was the argument which was put by his hon. and learned Friend, the Solicitor-general, and which seemed to have made a great impression on the House. It was this—that by introducing this bill, and even by its passing in the shape in which it was introduced through both Houses of Parliament, we should be, in fact, confirming that judgment which had been so often called in question, and which all the more eminent members of the legal profession in that House, as well as other Members, the best acquainted with the privileges and proceedings of the House, had been almost unanimous in their opposition to. Now, he did not think that was by any means a well-founded objection. It had not been, and could not be stated, by those opposed to the bill, that if it were to pass the judgment of the court would be thereby annulled, or, in fact, reversed; though some other plan for affecting that object might have been adopted. His hon. and learned Friend had himself admitted, that if the bill went so far as to attempt to reverse the judgment of a court of law, it was not a measure likely to pass through Parliament; and it would be a most imprudent thing to introduce it all. If, then, no such bill could be introduced that contained any clause for the reversal of that judgment, he thought it was rather too much to urge as an objection to this particular bill that it would not have the effect of reversing such judgment, when that objection would apply, not to the course taken on the present occasion alone, but to almost any other course that could have been taken upon this question. But the argument rested merely upon an inference. There was nothing in the bill itself that went to confirm the judgment. The preamble of the bill stated that it was necessary that the House of Commons should have the power of directing the publication of their own papers and proceedings, and it then provided that those publications should not be questioned in the courts of law. Therefore, neither in its partial effect, nor in its general assertion, did it decide in favour of the judgment given by the Court of Queen's Bench. The argument of his hon. and learned Friend was, therefore, merely an inference, that because the judgment had been left on record, and because in legislating upon this question Parliament did not immediately interfere with it, therefore it was confirmed and made stronger than it otherwise would be. He did not find that such an inferential opinion was in any way sanctioned by what had occurred in other cases of privilege. It might be supposed from the argument of his hon. and learned Friend, and also by the statement of his noble Friend the Member for Northumberland, that these privileges had been made solely by the House of Commons, without requiring or obtaining assistance from the other House of Parliament; and that the power of commitment which was vested in the House of Commons was so vested by the unanimous consent of the courts of law. But was that the case? Was it the case with respect to that which was, perhaps, the highest privilege the House possessed, namely, the privilege of liberty of speech within the walls of Parliament? Sir John Elliot made a speech relating to the state of the country, and the arbitrary power exercised by the Crown. He was prosecuted and condemned to pay a fine of 2,000*l.* This occurred at the time of the long Parliament. Of course he could not allude to those times as finally deciding the question. But after the Restoration it was thought necessary that some proceedings should be taken with regard to that privilege; and the proceedings which were taken were not proceedings of commitment—not any vindictive course; but a writ of error was brought into the House of Lords, by which the judgment against Sir John Elliot was reversed. Now, could it be said by any man that freedom of speech in the House of Commons was in the least degree injured, weakened, or in any way impaired by there having been a decision of the House of Lords against the judgment which called in question that privilege of speech? And yet they enjoyed that privilege by virtue of many acts of Parliament, as well as by the judgment of the House of Lords. It was now considered fixed by a general act; it was recognized likewise by the bill of rights; and yet no hon. Member could contend that they did not enjoy the liberty of speech as fully, as entirely, and as completely in the shape of a privilege as if there never had existed any decision of the House of Lords, or any act of Parliament upon the subject. There was another privilege he might mention in illustration of his argument, he meant that which declared that any act done by the Speaker, on the part of the House of Commons, should not be called in question by any court, or any Member of that House. If that privilege could be weakened, one should think it would be weakened by a proceeding such as this—that there should be a judgment in a court of law, and that that judgment should take effect; that afterwards a bill should be introduced into the House of Commons, and passed, to reverse that judgment, and that that bill should fail. And yet that was actually the history of the case of the King against Williams. There was a judgment in that case; a bill was introduced to reverse it; that bill never was passed. But was that judgment good? On the contrary, it was admitted that it was an illegal judgment. They had it on the authority of the very judges who had pronounced the judgment in the case of "Stockdale *v.* Hansard." Lord Denman said, "that if the case of 'The King *v.* Williams' was not bad law, it would be worthy of the severest censure." Mr. Justice Pattison said, "I agree that the case of the King *v.* Williams is not to be relied on. It partook of a political character, and occurred in violent times; and I hold it of very little authority as a solemn judgment of the court." Therefore they had instances in which Parliament had interposed; a case also in which an attempt had been made by Parliament to interfere; but in which that attempt had not been successful, and yet the privileges thus attempted to be dealt with had been maintained unimpaired. Was he not, therefore, justified in saying, that if an act of Parliament were passed upon this subject, although it would give greater facility to their using this particular privilege; and that, although if it should fail, they would not have that increased facility; yet, whether it should pass or fail, the privilege would remain on the same foundation on which it now stood. He thought the whole argument of his hon. and learned Friend the Solicitor-general, and of his noble Friend the Member for Northumberland, was entirely founded upon this, that by introducing a bill, and consenting to legislate at all upon the subject of any privilege, that privilege would be thereby impaired and destroyed. If that argument were true—then both the privilege and the liberty of speech, and the power of the Speaker to act as the officer of the House, without being questioned, would be impaired, if not destroyed; because, with respect to those privileges, the House had consented that there should be decisions of the House of Lords: they had asked the House of Lords to assist them when any particular case seemed to require the intervention of the Legislature. He confessed, therefore, he did not see, in any way that they might view the question, that their privileges would be at all impaired by the proposal he had now made for legislating on this question. He must, however, state, after what had fallen from his noble Friend (Lord Howick), what was his paramount reason for legislating upon the subject. His noble Friend had represented him as saying, "we have totally failed in asserting our privilege; our privilege is weak, we cannot maintain it, and, therefore, we must surrender it, and seek other assistance, in order to maintain this necessary power." He had said no such thing. He made no such assertion. What he did say was, that we were engaged in a conflict of considerable difficulty; that he did not doubt that if pushed to an extreme, the power of the House would make the House superior in that conflict; that that was his belief, but that the mode which they had for exercising that power was very imperfect, and brought them into a state of conflict which he thought it desirable to avoid. That was what he had really said; and he believed it was an opinion which had been generally admitted; for his hon. and learned Friend the Solicitor-general had himself said, that they were travelling to a point which would very soon be the crisis of this question, and the hon. and learned Member for Dublin had tonight stated, that they must very soon come in direct collision with the judges. Now, he did not consider (much as they might be taunted upon the subject) that this was a question upon which the only quality that was to be shown was the quality of courage. When great public evils were to be apprehended, if, without losing any essential powers of the House, those evils might be avoided, a little prudence might be as necessary as the feeling of courage. I trust (said the noble Lord) I do not want, on occasion, when it shall be absolutely necessary—though it would be always one which I should most deeply lament—yet I trust, when it shall be absolutely necessary to enter into direct collision with the judges, that I shall not be wanting in firmness, or courage, to enter upon that course. But I must say that, as to a courage for entering, wantonly, and needlessly, and without an absolute and overwhelming necessity into a conflict, which must tend to lower the character and authority of our tribunals, and divide the people of this country into hostile parties upon a very difficult question, and which in the end may not only prevent us from obtaining those measures of legislation which may render us powerful upon that particular question, but which may sink us in the public estimation, and impair our other necessary legislative powers, perhaps for a whole session, or for a whole year; as to a courage to act thus needlessly, thus wantonly, I should say, thus rashly, I own I have it not." His belief was, that if the House were prepared to enter upon this question with temper and forbearance, there was now a great prospect of arriving at a settlement. His noble Friend had said that if he had been prepared to propose the present course he ought to have entered upon it long ago, but his noble Friend must allow him to form his own judgment of the time when the opportunity could be taken, and when the attempt could be made with success. He was of opinion at the commencement of the session, and he did not disguise his opinion, that if they then sent up a bill of any sort to the other House it would be likely to be received with the remark, that the House of Commons might maintain its own privileges, that no great difficulty had arisen, that the House of Lords were always ready to maintain their own privileges, and that there was no necessity for any legislation. What had happened since, had shown that the exercise of the power of the House to maintain its privileges by commitment and by the confinement of the parties making a breach, had led to considerable public inconvenience, of which the House of Lords could not be ignorant. And what had taken place besides? There had been many discussions in that House which, to the whole country and to the House of Lords, must have conveyed a great deal of information as to the law of the case. He must say for himself that he believed, from what he saw in the committee of last year, the opinions of many men of no inconsiderable legal character, and of great general attainments, upon the judgment of the Court of Queen's Bench, were very different at the commencement of the question from their opinions since they had heard the discussions and had given to the subject more reflection. If, then, discussion had proved of this advantage—if the opinions of different Members on both sides of the House, and of each side in politics—of men who were Members of the cabinet of the Duke of Wellington—of those who were Members of the cabinet of the right hon. Gentleman (Sir R. Peel)—of those who were of the cabinet of Earl Grey, and of the cabinet of Lord Melbourne, were the same; if they all agreed that this was a necessary power, and if the opinions of those law officers of the Crown, who had served under all those governments, and of others of the highest legal reputation were also the same, that this was a necessary power—he said, that after those opinions had been ascertained, and after they were found to be supported by argument the most convincing, and by research the most elaborate, there had, in his judgment, come a time when there being a pause in the proceedings of the courts of law, it might be fit to attempt some legislation; and when the minds of men would be more likely to take a just view, than if at the commencement of the Session he had proposed to proceed not by way of commitment but by the introduction of a bill. The noble Lord the Member for Hertford had referred to the resolution for the sale of the papers. He (Lord J. Russell) did not wish to allude to that part of the subject now, because it was totally beside the question whether they could legally publish their proceedings. That was a separate question which was entirely within the discretion of the House. He did not deny that it might be convenient to review all the orders which had been made by the House for the regulation of its publications. In 1817, the forms of the House were entirely changed; many alterations had since been made as matters of expediency for the moment, and ultimately the sale was authorized, also as a matter of expediency. So also with regard to the various checks which had been placed by the House to provide that no publication should be wantonly injurious to individuals; they had been altered from time to time. He did not say that, with all the facts now before the House, the Committee which was now sitting might not, or if that Committee should decline to enter upon that point, he did not say that it would be improper for the House to investigate and collect all the orders, with the view of seeing whether any re-construction of the mode of publication was desirable or necessary. That might be done, but he held that such an investigation was beside the question as to what the Court of Queen's Bench had decided. He was not, indeed, prepared himself to make any proposition upon the subject, but he would not oppose the entire review and re-consideration of the state of all the orders and resolutions. He knew not that he need say anything more, except upon one part of his bill. The hon. Member for Kilkenny had asked whether this bill would remedy the action which was now proceeding as it was supposed, against the officers of that House in respect to the proceedings connected with the cause of Stockdale and Hansard. He should have stated that, before he came into the House to ask for leave to bring in the bill, he had inserted a clause to put a stop to those actions, as well as to all proceedings which had gone on with respect to those actions. [Sir *E. Sugden*—Does the clause apply to Mr. Howard's case?] It did. Such a clause did not form part of the principle of the bill, but he would not act fairly towards the House if he did not state that he intended to introduce such a provision. He had only to add in conclusion, that he trusted the House would permit him to bring in the bill; and that they would not decide at once that there should not be any legislation, for if they did so decide, without seeing the bill which he proposed, they would but increase the present difficulties.

The House divided—Ayes 203; Noes 54: Majority 149.

List of the AYES.

Adam, Admiral
Ainsworth, P.
Alsager, Captain
Alston, R.
Ashley, Lord
Bagot, hon. W.
Baillie, Colonel
Baker, E.
Baring, rt. hon. F. T.
Baring, H. B.
Barnard, E. G.
Barry, G. S.
Bentinck, Lord G.
Berkeley, hon. H.
Bernal, R.
Blair, J.
Blake, W. J.
Blakemore, R.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buller, C.
Burrell, Sir C.
Busfeild, W.
Byng, G.
Calcraft, J. H.
Campbell, Sir J.
Cholmondeley, hn. H.
Clay, W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Colquhoun, J. C.
Copeland, Alderman
Craig, W. G.
Dalrymple, Sir A.
Darby, G.
Davis, Colonel
Donkin, Sir R. S.
Douglas, Sir C. E.
Dowdeswell, W.
Dugdale, W. S.
Duke, Sir J.
Duncombe, T.

Duncombe, hon. W.
East, J. B.
Egerton, W. T.
Eliot, Lord
Elliot, hon. J. E.
Ellis, J.
Evans, Sir De L.
Farnham, E. B.
Feilden, W.
Fielden, J.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Follett, Sir W.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Goddard, A.
Gordon, R.
Gordon, hn. Captain
Goring, H. D.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E. H.
Hall, Sir B.
Harcourt, G. G.
Hardinge, right hon. Sir H.
Hawes, B.
Hayter, W. J.
Heathcote, Sir W.
Heneage, G. W.
Heneage, E.
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hobhouse, right hon. Sir J.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A.
Hope, G. W.
Howard, hn. E. G. G.
Howard, P. H.
Hurt, F.
Hutchins, E. J.
Hutt, W.
Ingestrie, Lord
Inglis, Sir R. H.
Irving, J.
James, Sir W. C.
Kelly, F.
Kemble, H.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Leader, J. T.
Lascelles, hon. W. S.
Lennox, Lord G.
Liddell, hon. H. T.
Lincoln, Earl of
Lister, E. C.
Lockhart, A. M.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, right hon. T B.
Mackenzie, T.
Mahon, Viscount
Marton, G.
Mildmay, P. St. J.
Milnes, R. M.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Neeld, J.
Nicholl, J.
Norreys, Lord
O'Ferrall, R. M.
Packe, C. W.
Paget, F.
Pakington, G. S.
Parnell, rt. hn. Sir H.
Patten, J. W.
Pattison, J.
Peel, rt hn. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Philpot, J.
Pigot, D. R.
Plumptre, J. P.
Praed, W. T.
Price, Sir R.
Price, R.
Protheroe, E.
Pryme, G.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Rice, E. R.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandon, Visct.
Sanford, E. A.
Scarlett, hon. J. Y.
Sharpe, General
Sheil, rt. hon. R. L.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E. J.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stock, Dr.
Sturt, H. C.
Style, Sir C.
Sutton, hn. J. H T. M.
Teignmouth, Lord
Thompson, Alderman
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, G. H.
Vivian, J. E.
Walsh, Sir J.
Ward, H. G.
White, A.
Wilshere, W.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Sir M.
Wood, Colonel
Wood, Col .T.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Parker, J.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Attwood, M.
Bellew, R. M.
Bewes, T.
Bowes, J.
Bridgeman, H.
Browne, R. D.
Bulwer, Sir L
Butler, hon. Colonel
Collier, J.
Corbally, M. E.
D'Israeli, B.
Easthope, J.
Ellis, W.
Evans, G.
Evans, W.
Ewart, W.
Fort, J.
Gisborne, T.
Greg, R. H.
Guest, Sir J.
Hawkins, J. H.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Howard, F. J.
Howick, Viscount
James, W.
Lushington, C.
Marshall, W.
Martin, J.
Melgund, Lord Visc.
Muntz, G. F.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Conor Don
Rundle, J.
Somers, J. P.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Sugden, rt. hn. Sir E.
Tancred, H. W.
Thornely, T.
Vigors, N. A.
Villiers, hon. C. P.
Wallace, R.
Warburton, H.
Williams, W.
Wood, G. W.
Wood, B.

TELLERS.

The Solicitor-general
Hume, J.

Leave given, bill brought in and read a first time.

PRIVILEGE—RELEASE OF THE SHERIFF. Lord John Russell having moved the order of the day for the House to resolve itself into a Committee of Supply,

Sir *J. Graham* said, after the protracted discussion upon this subject in which the House had been so very recently engaged, it would be inexcusable in him to preface his motion with any lengthened observations. He could not, however, avoid congratulating the House on the circumstances of its having at length made some advance towards a satisfactory conclusion of this question. He had hoped, and indeed expected, that a resolution, similar in substance to that with which he was about to conclude, would have been made by the noble Lord (the Member for Northumberland), who had, on a former occasion, expressed his strong sense of the great inconvenience which must ensue from the protracted imprisonment of Mr. Sheriff Evans. He understood the noble Lord to say, on a former occasion, that though the House had been driven to the necessity of vindicating its privileges in the present instance, still he was afraid that if in doing so the House urged its power to an extremity, public opinion might thereby be outraged, and the privilege itself put into considerable danger. The noble Lord had again said to-night, that if the present bill passed, the sheriff should be considered as a very ill-used man. In this opinion he did not concur; but, if it was entertained by the noble Lord, it was strange that the present motion had not originated with him. He had heard it said yesterday evening, that there were certain points to which if punishment were urged, the public sympathies would be apt to be arrayed on the side of the offender, and the repugnance to the offence lost sight of in the disproportioned magnitude of the punishment. The truth of this assertion he fully admitted, and he hoped the House would bear it in mind in considering the question which he was about to bring before it. The right hon. the Secretary at War said, that the conduct of the sheriffs was far removed from the imputation of moral guilt, and admitted, that even if Stockdale himself suffered loss of health in consequence of imprisonment, his confinement ought not to be protracted. In both these opinions he fully concurred, but especially in that which exempted the sheriffs from moral guilt in the course of the proceedings which led to their imprisonment. This very bill, which so large a majority had just decided upon the propriety of introducing, was an admission that the present struggle on the question of privilege was a conflict between two co-ordinate jurisdictions; and this being the case, it was impossible, when their decisions were at variance, for any human being to obey them both. The sheriffs were placed in a choice of difficulties, and in deciding conscientiously what was their duty, their judgment led them to the conclusion that they were bound to obey the directions given by the highest legal authorities. It was natural, that in making the selection, they should lean to the side of the Court of Queen's Bench, whose officers they were; but in doing this, they had unhappily incurred the displeasure of the House of Commons. Up to that moment, he had been one of those who were most prominent in asserting the privilege of the House; but having heard the evidence of two medical men as to the imminent danger which was likely to ensue to the sheriff, from a continuance of close confinement, taking into consideration the length of time that that confinement had already lasted, together with the other circumstances of the case, he was of opinion that some enlargement should take place. He would not make any lengthened reference to the evidence of the medical men, but the testimony given by Mr. Freeman was such as to call for the most serious consideration of the House. It appeared that he had attended Sheriff Evans as his medical adviser for seven years, during the last two years of which the sheriff laboured under a chronic malady. It further appeared that the malady had increased during the sheriff's imprisonment, and that his medical adviser would not be responsible for his safety if he were to be longer detained in close confinement. It might, however, be said, that this witness, in consequence of his long attendance on Mr. Sheriff Evans, might be prejudiced in that gentleman's favour, but such an objection could not be made to the testimony of Dr. Chambers, which was almost to the same effect. Then there was another question as to how far the conduct of the sheriff had been tainted with moral guilt? Could any moral guilt be said to attach to the conduct of one who exercised his judgment in accordance with the dictates of his conscience? Surely if the party were in enjoyment of perfect health, there must be some sympathy with such a man. He was satisfied that every Member of the House would regret any fatal result that might ensue to the sheriff from a continuance of his confinement, and yet they had it in evidence that his health was yesterday not only under corporeal but mental suffering. In the opinion of Dr. Chambers the only security for the health of the sheriff was to be found in perfect freedom. When he gave notice for a motion for the enlargement of the sheriff, he thought it his duty to look for precedents which would authorise the course which he meant to propose. He was unwilling to detain the House with quotations, but there were four distinct cases in the reign of George 2nd. in which bail for appearance had been taken by the House. The first case occurred in

February, 1731, in a question arising out of some charitable corporation, which had been referred to a Committee of the House for the purpose of inquiring into some grave allegations of fraudulently detaining the property of the poor. A person named Agar refused to be examined on the 18th of the month. On the 24th he was committed to the custody of the Serjeant-at-Arms, and on the 28th he was set at large, the recognizances having been completed. The next commitment arose out of the same transaction, in the case of Sir Archibald Grant. His explanation was not deemed satisfactory, and he was committed to the custody of the Serjeant-at-Arms, on the 6th of April, but was discharged on bail on the following day. The third instance was in the case of the York Building Company, when another discharge on recognizance took place, the party being bound from time to time to appear before the House. The fourth case occurred in the person of Alexander Murray, and arose out of the petition of Sir J. Bainbridge in an election for Westminster. The high bailiff, having been prevented from making the return, was called to the bar of the House, where he accused Murray of maltreating him, and impeding him in the performance of his duty. Murray was ordered to attend at the bar, and was taken into custody by the Serjeant-at-Arms on the 1st of February, but again discharged on bail, and continued at large until the 6th of the same month, when he was called to the bar of the House. It was not necessary to trace the precedents further. There were four distinct cases, and, if these were considered sufficient, the only question would be as to the validity of the security, which was to be decided upon by Mr. Speaker. Having stated on a former occasion his anxiety to have the custody of Mr. Sheriff Evans enlarged, he had now endeavoured to show that such a proceeding was in conformity with established precedents, though those precedents might not be strictly in point, they were still analogous. As to the mode in which the custody of the Sheriff should be enlarged, he (Sir J. Graham) was comparatively indifferent. If any other course than that of admitting to bail were proposed, he had no objection to accede to an undertaking that the Sheriff, being discharged without bail, should appear when called upon. The right hon. Baronet concluded by moving the following resolution:—

"That in consideration of the evidence of Mr. Freeman and Dr. Chambers, given at the bar of this House, with respect to the present state of health of Mr. Sheriff Evans, who is in custody, the Serjeant-at-Arms attending this House do take such bail of Mr. Sheriff Evans as shall be approved of by Mr. Speaker, for the attendance of Mr. Sheriff Evans in the House of Commons during the present Session of Parliament, whenever he shall be thereto required by any order of the House, notice in writing of such order being left at the dwelling-house of Mr. Sheriff Evans."

Mr. *P. Howard* said, he had great pleasure in seconding the motion of the right hon. Baronet in introducing which the right hon. Baronet had stated circumstances which he thought ought to weigh with the House in settling the question. They had already set at liberty Mr. Wheelton, and, in his opinion, it would be very unjust not to pursue the same course with regard to Mr. Sheriff Evans.

Viscount *Howick* said, that as the right hon. Baronet had referred to a suggestion thrown out by him on a former evening, he felt it necessary to explain what he considered a great distinction between that suggestion and the motion of the right hon. Baronet. He had not proposed that the sheriff should be released from the duress of remaining in custody, but had merely expressed a wish that that duress should be mitigated, as far as could be done consistently with the cause of the imprisonment. He would now say, that he should not have proposed that Mr. Sheriff Evans should be relieved to that extent, if, before he had so proposed, he had heard the evidence of Dr. Chambers, which completely cut away the only ground upon which he could make such a proposition. The right hon. Baronet, however, would relieve the sheriff from all duress whatsoever. He proposed, certainly, that they should take security for his appearance at the Bar of that House whenever he should be called upon, but would that make Mr. Evans's position after release the worse, or theirs any better? There was not the remotest prospect of their not finding Mr. Evans whenever they should require him, even without bail, which was only required for persons who it might be feared would abscond or conceal themselves. To require bail, in the case of Mr. Evans, was no restraint whatever, and seemed to him perfectly idle and nugatory. If they were to release him, he thought it would be better to do so forthwith, and without demanding any bail, but let them not do it upon the ground of ill-health. To discharge him on that ground would be setting a precedent of a very fatal character. What had taken place the other night at the Bar of the House had already produced its effects. His hon. Friend the Member for Finsbury (Mr. Duncombe) had that evening presented a petition from a friend of Vincent's, who was now suffering imprisonment in Monmouth gaol, for the crime of sedition, praying, that if the principle of discharging persons from confinement on the ground of slight ill health were to be recognized, the said Vincent might forthwith be ordered his discharge upon that ground. If they were to release Mr. Sheriff Evans on account of ill-health after the evidence of Dr. Chambers, he could not help thinking that we should shortly have but very few prisoners in our gaols. After the decision to which the House had that night come, he, for one, would not consider it of great importance which way he decided upon a simple motion for the discharge of the sheriff. [*Cries of "Move."*] He undoubtedly would not move it. Nay, more, if a motion to that effect were made, he should vote against it. At the same time he should take far less interest in it, and attach far less importance to it, than before the decision which the House had just come to, because he did not augur favourably as to the result when there was such a shrinking from the course which ought, in his opinion, to be pursued in the maintenance of their privileges.

Mr. *Kemble* confessed his surprise at the noble Lord's refusal, not merely to make, but to support a motion for the discharge of Mr. Sheriff Evans; because he had heard the noble Lord declare that evening, that if the House consented to the introduction of the bill of the noble Lord the Member for Stroud, he would consider that they had already done great injustice to that Gentleman. He was, therefore, at a loss to conceive upon what principle was it, if injustice had already been inflicted upon the sheriff by the introduction of that bill, that the noble Lord should now refuse to concur in a motion for his liberation. He begged leave to repudiate the assertion of that noble Lord, that hon. Gentlemen on his side of the House, who had throughout opposed the course which had been adopted, were actuated by a desire to bring the reformed House of Commons into contempt. For himself, he could say that he never had and never would consent to any motion which, in his belief, would implicate or put in question the character of that House. He rejoiced that the question was likely to be settled in an amicable manner, and he cordially supported the motion or the release of Mr. Sheriff Evans. With what justice, he asked, could they bring up this bill to the House of Lords, and call upon them to sanction it, if they themselves did not take the first step towards conciliation, and manifest a desire to do what was right, by immediately releasing the sheriff? They had released Mr. Sheriff Wheelton upon evidence, in his opinion, no stronger than that given respecting Mr. Evans; and seeing no reason why they should visit Mr. Evans with increased severity, he hoped the House would consent to the motion for the liberation of Mr. Sheriff Evans.

Viscount *Howick* said, the hon. Member had misrepresented him. What he stated was, that if such a bill as his noble Friend proposed was allowed to be brought in, the sheriff would have reason to complain that he had been, not unjustly treated but ill used, in consequence of that bill not having been brought in sooner, and the period necessary to keep him in confinement thereby abridged. He meant that, inasmuch as when the bill should be introduced there would be no further necessity for keeping the sheriff in confinement, not having introduced that bill at the earliest moment possible, afforded a ground of complaint on the part of the sheriff.

Mr. *Hawes* contended, that if the case rested upon the evidence of Dr. Chambers, a weaker ground for discharging a person from custody had never been advanced. In Mr. Wheelton's case, it was stated, that he was in danger of an apoplectic attack, and that the physician would not guarantee his life from hour to hour. Upon such a ground as that any prisoner in the country, even a prisoner for life, would be discharged; but widely different was the case of Mr. Sheriff Evans, which, if put upon the ground of health, must most certainly fail. Presuming that it would, which he believed could not be doubted by any person believing in the testimony of Dr. Chambers, were they now to stultify the whole of their proceedings by releasing the sheriff? If they did so, they might with equal justice liberate the prisoner Vincent alluded to by the noble Lord, and he hoped the House would not make a difference between a sheriff and a labouring man when their sympathies were called for.

Sir *T. Cochrane* was of opinion, that the sheriff should be liberated on the testimony of Mr. Freeman, his own physician. It appeared to him, that even within the last few days the case of Mr. Evans had assumed a different aspect. He thought it would be more for the dignity of the House to release the sheriff at once than to take bail for his appearance.

Mr. *Wakley* said, that in his opinion the amendment which had been moved by the right hon. Gentleman the Member for Pembroke did not meet the necessities of the case. He regretted the right hon. Gentleman had not gone much further; for after the vote which the House had that evening come to, he must say that the House would exhibit itself to the country as one of the most paltry and contemptible bodies of men that ever existed, if they retained in confinement one single person who was then in custody under the orders of the House. By the vote of that evening they had decided that the courts of law were right; they had affirmed the decision of the judges, and they had justified the course which Mr. Stockdale and Mr. Howard had pursued. Why, then, he would ask, should the detain the sheriff, and upon what grounds could his further detention be justified? Did the bill which was proposed affect the contempt of which the House had declared him guilty? Did it in the least degree alter his conduct? No; but the decision of that evening would inform the country that they now flinched from the course which they had hitherto pursued; that they could no longer assert their privileges, and that they succumbed to the courts of law. He would say, then, that he hoped the House would act consistently with its decision, and he trusted that every hon. Member would vote for the release of every one of those persons who were now in custody. He could not then move, as an amendment was already before the House, but if no other Member did so, he should on the first opportunity move for the release of all the persons in confinement, for by the vote of that evening the House had acknowledged that those persons were right, and that the House was wrong. He perfectly agreed with the opinions which had last evening been so ably expressed by the hon. and learned Gentleman the Solicitor-general, to whose arguments no satisfactory answer had been given, and he would tell that hon. and learned Gentleman, that the course which he had pursued in reference to this important subject would secure for him a proud pre-eminence in the eyes of the public. That hon. and learned Gentleman had in his place in that House, and notwithstanding the proceedings which had been adopted by the Government, manfully defended the course which the House had at the first pursued, and he did not hesitate to say, that it was through the vacillating weakness of the Government, and through the turbulent and factious conduct of some hon. Gentlemen opposite, that they had been reduced to the necessity of adopting a measure which he could not but condemn. As Conservatives, he had imagined that hon. Gentlemen opposite were prepared to obey the laws of the country. Did not, then, the law of Parliament form a part of the laws of the country; and yet, what had been the conduct of hon. Gentlemen opposite, when called upon to decide whether that law had been violated? The question which had been submitted for their decision, in their judicial capacity, was no party question, and had nothing to do with political differences of opinion. That question had been ably discussed in that House, and was one of the most grave and serious importance; but what, notwithstanding, had been the conduct of the minority of the judges—for hon. Members were then acting as judges? No sooner had they found themselves in a minority, than a portion of hon. Members had invited the people to violate the law. They had proclaimed their opinion, that the decision of the majority was tyrannical and unjust, and they had told the House that its resolutions could have no effect, and that thousands were prepared to follow the course which had been pursued by Mr. Stockdale and Mr. Howard. One hon. Member, when one of the persons whom they had brought to the Bar refused to comply with the resolutions of the House, actually jumped up from his seat with joy at the contumacy of the sheriff when he refused to answer. Was that the conduct of a judge? Suppose, when the case of Frost was argued in the court of law, the minority of the judges had said, that the decision of the majority was tyrannical and cruel, and that they had advised the Chartists to oppose and violate the law: what in such a case would the House have done? Would they not have blamed that conduct? And yet such had been the conduct of the minority of that House on this most important subject, and by that conduct they had prostrated the dignity and authority of the House before the country, and submitted their privileges to the decision of the House of Lords. Seeing, then, the contemptible and paltry position which they now occupied, he would ask, were they prepared to go a step further, and to add cruelty and persecution to the degradation with which they had covered themselves? He trusted that the House would do no such thing. He trusted the sheriff would be discharged, and that he would be discharged unconditionally; and he trusted also that the other persons in custody would also be discharged. He had voted for their confinement with regret, but he had done so from an overpowering sense of duty. As, however, the House had abandoned the position which it had first taken, and departed from the exalted ground which it had at first occupied, and seeing also that they had acknowledged that the course which they had hitherto pursued was wrong, he thought it was the duty of the House to vote for the unconditional discharge of the sheriff. Indeed, he trusted that there would be no division, and that the sheriff and all the other persons in custody would, after the introduction of the bill which had been proposed, be liberated as a matter of course.

Lord *J. Russell* would not follow the course which had been pursued by the hon. Gentleman who had just addressed the House, but he was anxious to say a few words on the real question which had been brought under their consideration. He hoped that the hon. Gentleman, the Member for Finsbury, when sitting in his court in his judicial capacity, put the cases which came before him to the juries with a little more accuracy than he had used on the present occasion. The hon. Gentleman said that the House had admitted by the bill which had been proposed, that the House in its previous proceedings had been wrong, and that Mr. Stockdale was right; but, if that was the way in which the hon. Gentleman put the evidence which he might have heard before uneducated juries, he much feared that those juries would often be misled. The real question, however, on which the House had to decide was, whether the sheriff should be discharged on the medical evidence which had been adduced at the bar. With respect to that evidence he would confess, that had not this motion been brought forward by the right hon. Gentleman opposite, he should not have considered it sufficient to induce him to make a motion for the discharge of the sheriff. On a former occasion he had stated the general ground on which the House ought to proceed was, that there was danger to life, and it was upon that ground that Mr. Sheriff Wheelton was discharged. With respect to the present case, the evidence was of a different kind; but he admitted that it was such as to show, that further confinement might seriously affect the health of the sheriff. The medical gentlemen had stated that there was at present no actual disease, but they had also said that confinement might produce disease of the most painful description. He felt the full difficulty in questions of this kind of deciding on the actual degree of illness of the individual, and he should be unwilling to pronounce an opinion upon the subject. He could not, however, agree to the motion of the right hon. Gentleman opposite, that the sheriff should be released on giving bail, because by agreeing to that motion a new question might be raised, as to the power of the House to take bail. It seemed to him to be the better course, if the House was disposed to allow that it would be dangerous to continue the confinement of the sheriff, that he should go out on the ground of the evidence which had been given by Dr. Chambers. He thought it would be better to adopt that course, and to discharge the sheriff for the present, and for a limited time, fixing a day—say three weeks hence—for his return, than to adopt the motion of the right hon. Gentleman opposite.

Mr. *Hume* said, he wished to ask a question of the right hon. Gentleman opposite. The right hon. Gentleman had said, that the evidence of Mr. Freeman was not sufficient to justify the House in releasing the sheriff, and he wished to ask whether the evidence of Dr. Chambers had done anything to add strength to the statement of Mr. Freeman. As the noble Lord had given everything up by the bill which he had brought forward, he wished to ask the right hon. Gentleman whether the course now proposed was likely to do any credit to the House? He thought it disreputable to the House in the highest degree.

Sir *R. Peel* made it a point to answer all the questions of the hon. Member for Kilkenny, but he was sorry to say, that he never got any proof of the hon. Gentleman's confidence until the hon. Gentleman was in difficulty. In his opinion, the House would do credit to itself in doing justice. The hon. Gentleman had said, that he had stated before the Bill was proposed, that he was not prepared to vote for the discharge of the sheriff on the evidence of Mr. Freeman, and he had asked how he could vote for his discharge now. But before the bill was brought in, he had voted for the discharge of Mr. Sheriff Wheelton. Hon. Gentlemen would remember that he was against the absolute discharge of the sheriff, but voted for his discharge upon the ground of ill health. When the noble Lord, who had taken the strongest position in this question of privilege, said, "I think we would incur a deep responsibility if we kept Mr. Sheriff Wheelton in close confinement under the circumstances which have been deposed to," what was his course? He rose and said, that he had arrived at the same conclusion, and that he thought quite sufficient grounds had been made out for the sheriff's release. The question now before the House was altogether a question of evidence. And the following were the considerations, which had made an impression upon his mind, as to the propriety of keeping the sheriff in close confinement. Mr. Freeman, a highly respectable man in his profession, gave the following evidence:—

> "Is the sheriff growing worse or better under your care?—He is growing worse under his confinement. There is no immediate danger of him? I cannot say that there is, but his life would be endangered if he were to remain longer under restraint."

This was very strong testimony:—

> "Do you think, then, if Mr. Sheriff Evans were allowed to take air and exercise, and return to the House of Commons, it would have the same effect? I think not, for his mind is suffering greatly, and that is acting on his body."

Now, he would not conceal from the House, that if anything fatal should occur to Mr. Sheriff Evans—if the seeds of permanent disorder should be suffered to ripen in his constitution, he did not think that, as a Parliament, they would, by keeping him in close confinement, have adopted the proper means of vindicating their privileges, or, as individuals, a course that would be at all satisfactory to their own minds. He now came to the evidence of Dr. Chambers, who deposed as follows:—

> "Do you consider him in that state that his life would be endangered by further confinement? I think his health would be much deteriorated by confinement, and I conceive that his further confinement might convert those defects which have so disordered the digestive organs into absolute diseases; for instance, if indigestion is continued for any length of time, the liver becomes at last disordered. When defect is continued, that becomes a disease; and we know that from diseases of the liver, for instance, dropsy arises, and all the dangers of dropsy."

Immediately after hearing that evidence, he at once, having voted against the absolute discharge, stated that his opinion was the same as that of the noble Lord (Mahon,) and that they would incur great responsibility by keeping this gentleman in custody. He admitted that the second examination of Dr. Chambers rather weakened this impression than strengthened it. But it contained this additional testimony:—

> "Do you think that close imprisonment would be highly injurious, under those circumstances of predisposition to disease, which you have remarked in Mr. Sheriff Evans? I do."

That evidence remained upon record, and there was upon the face of it, he thought, a clear case for a relaxation of the close custody. If a question were brought before that House interfering with the prerogative of the Crown, he would assuredly not think of interfering, but here was a person in custody by the order of the House, and the House was, therefore, clearly responsible for the consequences which might ensue from this its order. He certainly thought that they could not keep the sheriff in close confinement after the evidence which had been given by Dr. Chambers and by Mr. Freeman, who was also a respectable man in his profession. The noble Lord had suggested a difficulty with regard to taking bail. Unquestionably this difficulty might arise, that in case of default, they might be obliged to apply to a court of justice. It was very true that there might be precedents for taking this course, but he should rather avoid it. As to the proposition of letting out the sheriff on his parole, that appertained more to a military than to a civil court. The noble Lord suggested that they might release him from custody, and order him to return to custody at some subsequent period. He was disposed to think favourably of this suggestion. He totally denied the assertion of those hon. Members who held that this course would be a submission, and a degradation—it would be no submission no admission that they had been wrong in one tittle of the course which they had pursued. He would still vote, as before, against the absolute discharge of the sheriff from custody. But there was no reason why they should not do justice, and justice they would not be doing, if they kept the sheriff in continued custody after the evidence which had been given at their bar. He was, therefore, ready to vote for the proposition of the noble Lord, and permit the sheriff's temporary discharge.

Sir *J. Graham* rose to ask permission of the House to withdraw his original motion; after what the noble Lord had said as to the difficulty with regard to taking bail for the sheriff's appearance, and to substitute for it the following:—

"That in consideration of the evidence of Mr. Freeman and Dr. Chambers, with respect to the state of health of Mr. Sheriff Evans, he be discharged for the present from the custody of the Serjeant-at-Arms, and directed to attend at the Bar of this House upon Monday, the 6th of April."

Mr. *Hume* would prefer that the right hon. Gentleman should move simply, that the sheriff be discharged, and not put in the pretence of sickness. He moved to omit the words relative to the opinion of the medical men.

Sir *J. Graham* said, that he was not in the habit of fixing upon expressions let fall by hon. Members who were not much in the habit of measuring their words; but when the hon. Member for Kilkenny said expressly, that what he had risen in his place to state to the House was "a pretence," he must appeal to the Chair.

Mr. *Hume* stated, that his meaning, was, that the plea of illness put forth on behalf of the sheriff was a pretence, and that the public would think it so—that to him it appeared, and to the public he thought it would appear to be a pretence upon the part of the House to enable them to get out of their present situation.

Mr. *Hawes* was of opinion, that the medical evidence afforded no justification at all. He thought, that the course of the right hon. Baronet was very inconsistent with the manner in which he had spoken of the medical evidence on a former evening. He agreed with the hon. Member for Kilkenny, that the public would think the assertion of ill-health a mere pretence to get rid of the difficulty. They were now about to discharge the sheriff, not because he had purged himself of the contempt for which he had been imprisoned, but because he was in a station of life that commanded the sympathy of the House, which sympathy did not appear to be extended to the other persons in custody, who were of a more humble rank. Those other parties were just in the same position, and he would venture to say, that evidence might be procured quite as strong as that they had heard, with reference not to what was, but to what might be, the effect of confinement on them. The confinement in which the sheriff was kept was not close, but as mild a species of confinement as could be inflicted on any person who was imprisoned for a breach of the law. He considered Stockdale and the other persons incarcerated, to be quite as much entitled to their liberty as the sheriff; and if the right hon. Baronet opposite did not make a motion to release them, he (Mr. Hawes) would himself do so.

Sir *J. Graham* said, that he attached great weight to the evidence of Dr. Chambers, and did not think they would be justified in keeping the sheriff in custody after that. Both the medical men had declared, that the sheriff's restoration to freedom was indispensable for the preservation of his health.

Viscount *Howick* thought the proposal which the right hon. Baronet opposite had adopted at the suggestion of his noble Friend very objectionable. At the end of three weeks Mr. Sheriff Evans would be brought back, and the House would be placed in the same difficulty as ever. The medical witnesses, the House would recollect, spoke to the existence, not of any particular or acute disease, but of a general unhealthy state of body, which was certain to recur the moment the sheriff was again consigned to custody. The same ground for releasing him must necessarily exist then as existed now. Dr. Chambers had told the House, that the sheriff was of a constitution which made confinement peculiarly unwholesome, and it could not be expected, that if he were now to be discharged, his constitution would undergo a complete change, or that his health, which had been affected, it appeared, for seven years past, would be restored in a fortnight. He was not prepared to release the sheriff merely because the medical attendant had told them that confinement pained his mind, and was irksome to him. If he had found any disposition on the part of the House to assent to the proposal he had made, he would have persisted in it, but he had never contemplated more than that the sheriff should be allowed to leave town in the custody of a messenger. It appeared to him that the motion was in fact, although not in intention, a disguised proposal for the free discharge of the sheriff. It was one in which he could so little concur, that he should probably give no vote whatever on the question.

The House divided on the question, that the question as amended by Sir James Graham be put. Ayes 129; Noes 47:—Majority 82.

List of the AYES.

Ashley, Lord
Bagot, hon. W.
Baillie, Colonel
Baines, E.
Baker, E.
Baring, rt. hon. F. T.
Baring, H. B.
Blackstone, W. S.
Bolling, W.
Bramston, T. W.
Brownrigg, S.
Burrell, Sir C.
Clay, W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Copeland, Alderman
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
Douglas, Sir C. E.
Dowdeswell, W.
Duke, Sir J.
Duncombe, hon. W.
Eaton, R. J.
Eliot, Lord
Elliott, hon. J. E.
Ellis, J.
Fielden, W.
Fielden, J.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Follett, Sir W.
Forrester, hon. G.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Gordon, hon. Captain
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hall, Sir B.
Hamilton, Lord C.
Hayter, W. G.
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A.
Holmes, W.
Hope, G. W.
Howard, hn. E. G. G.
Howard, P. H.
Humphery, J.
Hurt, F.
Hutt, W.
Ingestrie, Viscount
Inglis, Sir R. H.
Jones, Captain
Kelly, F.
Knight, G.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, A.
Macaulay, right hon. T. B.
Mahon, Viscount
Morpeth, Viscount
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmerston, Viscount
Parnell, rt. hon. Sir H.
Patten, J. W.
Pattison, J.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Pigot, D. R.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Price, Sir R.
Pringle, A.
Pryme, G.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Rice, E. R.
Richards, R.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandon, Viscount
Scarlett, hon. J. Y.
Seymour, Lord
Shirley, E. J.
Sibthorp, Colonel
Spry, Sir S. T.
Stanley, hon. E. J.
Stanley, E.
Stanley, Lord
Style, Sir C.
Sugden, rt. hn. Sir E.
Sutton, hn. J. H. T. M.
Teignmouth, Lord
Thompson, Alderman
Tufnell, H.
Turner, W.
Vere, Sir C. B.
Vernon, G. H.
Vivian, J. E.
Wakley, T.
Wilshere, W.
Winnington, Sir T. E.
Wood, Sir M.
Wood, Colonel
Worsley, Lord

TELLERS.
Fremantle, Sir T.
Parker, J.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Bentinck, Lord G.
Blake, W. J.
Boldero, H. G.
Bridgeman, H.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Courtenay, P.
Curry, Serjeant
D'Israeli, B.
Duncombe, T.
East, J. B.
Egerton, W. T.
Evans, W.
Hawes, B.
Heathcote, Sir W.
Heneage, G. W.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
James, W.
Jones, J.
Kemble, H.
Lushington, rt. hn. S.
Marshall, W.
Melgund, Viscount
Neeld, J.
O'Connell, M.
Round, C. G.
Rundle, J.
Scholefield, J.
Sharpe, General
Sheppard, T.
Stansfield, W. R. C.
Stuart, Lord J.
Strutt, E.
Tyrell, Sir J. T.
Vigors, N. A.
Wallace, R.
Wilde, Sergeant
Wood, G. W.
Wood, Colonel T.
Wood, B.

TELLERS.
Hume, J.
Warburton, H.

On the question that resolution be agreed to,

Mr. *Elliott* protested against the decision at which the House had arrived, and stated that it appeared to him, that the public, from the proceedings of the House, must think them the most inconsistent body that the world ever contained. He concluded, that to-morrow somebody would come from Newgate and inform the House, that Mr. Howard was suffering from a severe running of the nose, and they would further be told, that the *mucous membrane* might be dangerously affected, and the inflammation be extended to the chest, and that it would be impossible to say but that consumption might ensue. If the present course about to be taken by the House was acted upon, they never could commit a man again without inquiring whether he had a sore throat, a cold, or a pain in his great toe, which might be aggravated by confinement into disease, and tend to shorten his life.

Mr. *T. Duncombe* said, that having been one of those who originally objected to the incarceration of the sheriffs, he could not give his assent to the latter part of the motion, and he would therefore move, as an amendment, that the words directing the attendance of the sheriff on the 6th of April next, be omitted.

Mr. *Kemble* said he was ready to act upon the principle adopted by an hon. and learned Member opposite: fearing he should not succeed in obtaining the entire liberation of the sheriff, he would willingly accept of a month's leave of absence.

Sir *E. Sugden* was as anxious as the hon. Member for Finsbury could be for the entire discharge of the sheriff, but under the present circumstances he wished him not to press his amendment.

Mr. *T. Duncombe* said he would consent to no compromise. He had voted against the sheriff being summoned to the bar of the House in the first instance; he had opposed his detention throughout; and he should still continue to demand his permanent release from the custody of the House.

Sir *R. Inglis* expressed a hope that the House would close its proceedings on this subject with the unconditional liberation of the sheriff.

Mr. *Horsman* was sorry that he had been misled by the opinions of others, to whom he thought it his duty to listen, and that he was anxious to retrace his steps, and make all the amends he possibly could to the sheriff. When he heard the medical evidence on the health of the sheriff, he was of opinion that there was nothing in it which could induce him to consent to his release, because there was no proof that his illness had originated with his confinement, or that it was worse than it had been. Having been induced by the persuasion of hon. Gentlemen whose opinions were much respected in the House, he had refused to vote for the discharge of the sheriff on the score of ill-health. But now he was anxious to take a different course, and would therefore vote for the amendment.

Sir *R. Peel* said he had voted against the absolute discharge of the sheriff on the evidence of Mr. Freeman, and he was ready to repeat that course. But the question arose whether or no Dr. Chambers should be called in, when he differed from the noble Lord, and advised the House to call him in. Dr. Chambers was then examined, and the noble Lord, the chairman of the Committee of privileges, in his official capacity, after having taken a strong and prominent part in favour of privilege, warned the House against retaining the sheriff in close custody, and made the proposition that the sheriff should be permitted, under the advice of his medical attendant, to select any place out of town where he should reside in custody of a messenger of the House. Was not that a proof that there was something in the health of the sheriff which seemed like real danger? Was that a relaxation which would be made in any ordinary case? Was it not the impression of the noble Lord that the health of the sheriff would be endangered by continued confinement? He had intended to vote for that proposition of the noble Lord; and he considered that he was acting in conformity with the course he had taken in now refusing to keep this gentleman in close confinement. He was resolved still to give the House the best advice he could on the maintenance of its privileges; but it was not the part of a wise friend to pursue, under different circumstances, the same course which had been pursued under others. After having pushed to the furthest extent the privileges of the House, though they were not exhausted, he was afraid of their breaking under him. He was still willing, however, to push them to the furthest point without exhausting them, and desirous still to give that advice which he believed was best calculated to maintain inviolate that right of publication which he thought an essential privilege of the House.

Mr. *Pemberton* urged the hon. Member for Finsbury to withdraw his amendment, lest it should end in defeating the object of the original motion.

Viscount *Mahon* hoped the hon. Member would withdraw his amendment.

Mr. *Wallace* would not admit that he had been misled, or now allow himself to be misled by the parts which different sections of the House were acting, and he was willing to vote for the motion of the Member for Finsbury.

Mr. *Warburton* said, that if the sheriff were to be liberated till the 6th of April, it would be in effect granting him a complete liberation. On the day appointed for his reappearance he would come down to the House at the head of a triumphal procession, accompanied by the Lord Mayor and Corporation, and present himself at the bar. If they discharged him knowing that such consequences must ensue, they would do wisely to discharge him at once. For his own part, he had resolved to vote against the main question.

Mr. *T. Duncombe* expressed his willingness to withdraw his amendment.

The House again divided on the main question. The amendment of the hon. Member for Finsbury was negatived, the numbers being—Ayes 118; Noes 31: Majority 87.

List of the AYES.

Bagot, hon. W.
Baines, E.
Baring, rt. hon. F. T.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Burrell, Sir C.
Clay, W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Copeland, Alderman
Darby, G.
Darlington, Earl of
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duke, Sir J.
Duncombe, T.
Duncombe, hon. W.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Ellis, J.
Feilden, W.
Fielden, J.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Forester, hon. G.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hall, Sir B.
Hamilton, Lord C.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A.
Hope, G. W.
Howard, hn. E. G. G.
Howard, P. H.
Humphery, J.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Knight, H. G.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Macaulay, rt. hn. T. B.
Mahon, Lord
Morpeth, Viscount
Neeld, J.
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Palmer, R.
Palmerston, Viscount
Pattison, J.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, Col.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Price, Sir R.
Pringle, A.
Pryme, G.
Pusey, P.
Rae, rt. hon. Sir W.
Rice, E. R.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Sandon, Lord
Scarlett, hon. J. Y.
Sheppard, T.
Sibthorp, Colonel
Stanley, Lord
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Thomson, Alderman
Tufnell, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vernon, G. H.
Wakley, T.
Wilshere, W.
Winnington, Sir T. E.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.
Worsley, Lord

TELLERS.

Fremantle, Sir T.
Parker, J.

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Blake, W. J.
Bridgeman, H.
Brotherton, J.
Busfeild, W.
Courtenay, P.
Curry, Sergeant
Elliot, hon. J. E.
Evans, W.
Hawes, B.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
James, W.
Lushington, rt. hn. S.
Marshall, W.
Melgund, Viscount
Pigot, D. R.
Rundle, J.
Rutherfurd, rt. hn. A.
Scholefield, J.
Sharpe, General
Stansfield, W. R.
Stuart, Lord J.
Strutt, E.
Vigors, N. A.
Wallace, R.
Wilde, Sergeant
Wood, G. W.
Wood, B.

TELLERS.

Hume, J.
Warburton, H.

Sheriff to be discharged, and to attend at the bar of the House on April 6th.

HOUSE OF LORDS,

Monday, March 9, 1840.

MINUTES.] Bill. Read a third time:—Horse Racing.

Petitions presented. By the Duke of Beaufort, and the Bishops of St. Asaph, Salisbury, and Hereford, for Church Extension.—By the Duke of Richmond, and the Marquess of Normanby, from Eastbourne, and another place, against the Rating of Workhouses.—By the Duke of Richmond, from a number of places, against the existing system of Church Patronage; also from various other places, for and against the Intrusion of Ministers into Parishes in Scotland.—By the Marquess of Bute, and the Earl of Aberdeen, from several places, against the Intrusion of Ministers into Parishes.—By Lord Redesdale, from several places, against the Repeal of the Corn-laws; and from other places, against the Grant to Maynooth College.

Frost, Williams, and Jones. Newport Petition.] The Marquess of *Normanby* rose to call the attention of the House to a petition from Newport, presented on Friday night in favour of Frost and others, which had led to a communication with that town, and which was stated by a noble Lord who had presented it, to have been signed by 1,500 out of a population of 6,000, among whom were the names of the most respectable inhabitants, and that the four first names were those of four of the most wealthy individuals in the town. This account he had no doubt the noble Lord had received on what appeared to him good authority, and as he had appeared to attach considerable importance to it, and had announced his intention to call the attention of the House to it, with a view to induce it to comply with the prayer of the petitioners, he thought it would not be unnecessarily occupying their Lordships' time to show them the noble Lord had been misinformed in every point to which the noble Lord had adverted. With respect to the population, it was 12,000, instead of 6,000, as stated by the noble Lord. [Lord *Teynham*: That is the population of the borough. I spoke of the town only.] Then as to the 1,500 signatures, their Lordships would suppose these were all of males; but this was not the case, the majority of them being the signatures of women and children, and the names of several members of a family were signed by the same individual; there was also a considerable number of names evidently in the same handwriting. With respect to the four names at the head of the petition, one of them was that of Edward Frost, the uncle of the person convicted, who was himself in confinement for some time on suspicion of being engaged in the same transactions, but the Government had not preferred any bill against him. Another was that of William Townsend, the father of a person who had been convicted at the same time with Vincent With regard to the other two persons to whom the noble Lord had alluded, as being some of the most wealthy inhabitants of Newport, the one was a small tradesman, and the other was a person who had only been resident two years in the place, and who was now selling off with the intention of quitting the place. He had been informed that hardly any tradesman of the least respectability in the place was at all aware that such a petition was in the course of circulation. It was true that a petition had been presented in favour of the prisoners, signed by a certain portion of the respectable inhabitants of the place, but that was against the extreme penalty of the law being carried into effect, and was signed by those persons, not because they entertained the slightest doubt as to the evidence upon which the prisoners had been convicted, but because, like many highly respectable persons in this country, they entertained a conscientious objection to the extreme penalty of the law being carried into effect in any case; but he believed that few or none of those persons who, in the usual acceptation of the term, would be called respectable in the borough of Newport had signed the second petition. As the noble Lord who presented that petition had deemed it of such importance as to take the rather unusual step of giving notice of his intention to draw their Lordships' attention to it after Easter, with a view of interfering with the exercise of the prerogative of mercy by the Crown, he thought it right to inquire into the circumstances attending the petition, and the result of his inquiries had been such as he had stated to their Lordships.

Lord *Teynham* had never himself been in the town of Newport. The petition had been sent to him by parties whom he considered as respectable, and as the noble Marquess had admitted that the former petition had been most respectably signed, he thought he was justified in assuming that the signatures to the petition he had presented, were equally respectable.

HOUSE OF COMMONS,

Monday, March 9, 1840.

Minutes.] Bills. Read a first time:—Horse Racing.—Read a second time:—Printed Papers; Union Workhouses; Prisons.

Petitions presented. By Messrs. Baines, Villiers, T. Stewart, Brotherton, M. Philips, Hume, Sir G. Strickland, and Lord Marcus Hill, from a very great number of places, for the Total and Immediate Repeal of the Corn-laws.—By Lord Elliot, Mr. Hope, and Sir J. Y. Buller, from several places, against any further Grant to Maynooth College.—By Sir W. Follett, from Exeter, for the Repeal of the Tithe Commutation Act.—By Mr. Hume, Lord M. Hill, and Sir J. Stewart, from a number of places, for an Extension of the Franchise, and Vote by Ballot.—By Messrs. Villiers, Baines, Hume, and W. Williams, from a number of places, for the Abolition of Church Rates, the Release of John Thorogood, and against the Jurisdiction of Ecclesiastical Courts.—By Sir E. Sugden, Mr. R. Palmer, and Sir J. Y. Buller, from several places, for Church Extension.—By Mr. Vere, from two places, in favour of Non-Intrusion.—By Lord G. Somerset, from Carriers of Birmingham, against the Railway Monopoly.—By Lord Eliot, from Cornwall, against the Irish Corporation Bill.—By Mr. Alston, from Bishop Storford, against the Rating of Workhouses.—By Mr. S. Barry, from places in Cork, for Municipal Reform, and an Extension of the Franchise in Ireland.

MUNICIPAL CORPORATIONS IRELAND).] Viscount Morpeth moved the third reading of the Municipal Corporations (Ireland) Bill.

Sir *G. Sinclair* said, that having rarely taken part during the last two sessions in any of the various debates respecting Ireland, he intended on this occasion to make some remarks upon the affairs and interests of that country—a country which during so many centuries had been groaning under the accumulated evils of misgovernment, or, in other words, had unhappily been cleaving to the ignominious thraldom of Papal domination, and which could never be permanently peaceful or prosperous without a repeal of the union, not between Great Britain and Ireland, but between Ireland and the see of Rome. He approached this task with unaffected reluctance, because he was afraid that some of the statements which he should submit, and some of the principles which he should avow, might not be assented to by many valued Friends around him, with whom he at all times deemed it an honour to act and accounted it a happiness to agree; but he could not, in the discharge of a public duty, allow himself to be so swayed by personal sentiments of deference and regard as to disguise the feelings of his heart and belie the convictions of his understanding. He was impelled to address the House on this subject by a deep and increasing persuasion—a persuasion not a little fortified by the menacing tone assumed, and the ominous prophecies uttered in quarters of high authority—that the Protestant institutions of Ireland, with which those of the empire stood indissolubly linked, were in fearful and imminent jeopardy. He believed that the very force intended to maintain tranquillity was so organised as to increase their danger. On the part of the Roman Catholics they beheld combination, energy, and success; whilst they too often found in the ranks of the Protestants dissension, supineness, and discomfiture. Each victory achieved by the former was an encouraging precursor of some new aggression, whilst every defeat sustained by the latter was the humiliating prelude to some fresh surrender. The potent screw of the 6,000,000 argument was as effectually wielded by the Roman Catholics as was that of the six Members' argument by an imperious boroughmonger for the purpose of extorting an unreasonable boon from the hard-pressed Prime Minister of a former era, whom he knew that he had at his mercy; so that the Roman Catholics were almost justified by the result of every past experiment in openly declaring to the imperial Legislature—"Because we are six millions, we must obtain whatever we ask, demolish whatever we dislike, and accomplish whatever we desire." It must, he thought, be admitted, that the Irish Tithe Bill, clogged as it was with so enormous a deduction from the incomes of the clergy, was wrung from their fears, and not conceded by their good-will. That deduction was rendered necessary by the culpable pusillanimity of successive governments, who ought to have enforced (as they would have done in the case of taxes, rents, or debts) the might and majesty of the law. But, though reluctantly assented to by the clergy, and on that ground alone not opposed by himself, it was in principle an act of sacrilegious injustice. They had been generous with other people's money, and he was convinced that through sacrifices which cost them nothing they had only purchased a hollow and precarious truce; by which the Protestants of Ireland had been discouraged in the defence of their not yet extinguished rights, and not yet confiscated property, while the Papists were stimulated to renew every menace, and persevere in every machination. No permanent advantage was ever secured by worshipping the goddess expediency; and a system of concession and compromise was seldom successful in the long run. In compliance with the wish, and in conformity with the example, of his right hon. Friend, he had abstained on several occasions from calling for a division when this bill was formerly before them. His unfeigned respect for his superior judgment prompted him to wish that he should enjoy the fullest latitude for trying his conciliatory experiment, of which, however, he not only doubted the success, but could not altogether admit the wisdom. His own hostility to this measure remained unmitigated and unchanged. Though the salutary amendments introduced by the House of Lords would have eliminated much that was noxious and much that was objectionable from the provisions of this bill, yet the reasonings so powerfully urged against its principle by his Protestant Irish friends had made so strong and indelible an impression upon his mind, as to convince him that by passing such an act in any form, they would furnish—not peace, but a sword; and thus not confer boon, but inflict a calamity upon Ireland. This bill, even when modified, could not fail to be received with jealousy and apprehension by a large proportion of the Protestant clergy and laity, the best and surest friends of British connection, and at the same time be viewed with perfect indifference by nineteen-twentieths of the Roman Catholic millions, for whose satisfaction it was said to be intended. He should never cease to think that Parliament would have exercised a more sound discretion by abolishing these corporations altogether; they would thus have placed all parties on a footing of perfect equality, and prevent those scenes of almost Gueiph and Ghibelline discord and ferocity to which struggles for municipal ascendancy would give birth in many towns and cities throughout Ireland. The hon. Member for Dublin possessed a kind of magical kaleidoscope, through the medium of which he represented the state of Ireland under the most opposite aspects, according as it suited his convenience. At one time it was a paradise of quiet, at another a pandemonium of disturbance. For his own part, he fully concurred in viewing that country as a volcano, and he believed, that the embryo corporations would serve as so many craters to inundate the whole district in their respective neighbourhoods with the lava of sedition and discontent. Abolition was all that the Roman Catholics themselves had asked at no very distant period. But he had seen with sorrow and surprise, that their pretensions had always risen in the ratio of their power; it was even openly and ostentatiously affirmed, that they cajoled us when they were weak, and coerced us when they were strong; and now they were intent upon effecting not a mere annihilation of Protestant influence, but a palpable transfer of supremacy. There were only two classes of politicians who would derive any benefit from the new-fangled corporations, or who took any interest in their establishment, and those were intriguing priests and turbulent demagogues—the very persons whose despotism he, for one, was most anxious to control or to extinguish. There was one annual, or rather perennial, assertion of the noble Lord, upon which he should take the liberty to comment, because it greatly enhanced the alarm with which he viewed the relative position of Popery and Protestantism in Ireland. "The English," said the noble Lord, "have obtained Municipal Reform, because they are Englishmen; the Scotch have obtained Municipal Reform, because they are Scotchmen; the Irish have not obtained Municipal Reform, because they are Irishmen." He could only characterise such a position as most unfounded and unfair. For his own part, at least, he was opposed to the constitution of these Normal schools of agitation, as they had been so often and so emphatically termed; not because the corporate offices would be filled by Irishmen, but because the new system must increase the power of a party, in his opinion, the most inimical to the true welfare and permanent tranquillity of Ireland—a party who made no secret of their eagerness to overthrow the Protestant Church, and who would not scruple for the sake of effecting that unrighteous object to contend for a virtual dismemberment of the empire. Was the noble Lord prepared to follow out his reasoning to its legitimate conclusion? Supposing that in the next epistolary anathema addressed to him by Archbishop M'Hale, that Ajax Flagelisses of modern polemics were to say, "the Episcopalian English have obtained an Episcopalian Church establishment, because they are Englishmen; the Presbyterian Scotch have obtained a Presbyterian Church Establishment, because they are Scotchmen; the Catholic Irish have not obtained a Catholic Church Establishment, because they are Irishmen." According to the noble Lord's doctrine he could see no confutation of this analogy, and as he had furnished the argument, he trusted he was prepared to supply the answer. He had at all times cordially supported the principle of converting upon fair terms the tithe into a rent-charge; but he must confess, that he had not been led to form a very high or sanguine estimate as to the amount of security which that sacrifice was likely to purchase for the Established Church. It would prevent direct collision between the Protestant clergyman and the Roman Catholic occupier of the soil, an object unquestionably of the greatest importance; but had it appeased the inveterate enmity of the Popish priest? Had it silenced the inflammatory invectives of the Popish agitator? Did any one dream that the object for which these conspirators against Protestantism had been striving was to procure for the heretical incumbent an easier and more regular payment of his due, and to extort for the landlord an usurious per centage in his new capacity of banker or tithe-proctor to the clergy? Let the House listen to the terms in which the hon. Member for Tipperary, had denounced the Church of Ireland, that Church which he had sworn at the Table of the House not to weaken or to impair, and then judge whether that hon. Member, and those who thought as he did, could regard the Tithe Bill as a satisfactory and final adjustment. The hon. Gentleman described it in very different terms from those which he would have ventured to employ in 1828. The Roman Catholics were wise men in their generation. They knew exactly what claims it was expedient, under any given circumstances to advance, although the ultimate object of annihilating the Protestant religion was never absent from their thoughts, being not only cherished as a desire, but inculcated as a duty. "This," says he, "is the Church on which a faction fattens, by which a nation starves; the Church from which no imaginable good can flow; but evil in such black and continuous abundance has been for centuries and is to this day poured out, the Church by which religion has been retarded, morality has been vitiated, and animosity has been engendered." He avowed without hesitation, in the face of his country, that he could neither justify nor account for his past or present opposition to the Municipal Reform Bill for Ireland, on any other ground than one which he deemed to be paramount and conclusive—namely, a determination on his part not to strengthen by any act of his the hands of the Roman Catholic faction in Ireland, who, he was persuaded, were unanimous in their wish and unchangeable in their design to overthrow the edifice of our Protestant Established Church, for the purpose of building up a Popish fabric on its ruins. The state of Protestant feeling throughout this Protestant country was not fairly expressed or adequately represented in that House. He believed, that the Protestants of Ireland were much less dismayed by the unscrupulous activity of their enemies, than disheartened by the paralysing apathy of their friends. The lamp of Protestant light would indeed burn with a dim and feeble flame if it were not supplied from other sources—extraneous to the British Parliament — with the pure and holy oil of devotedness, zeal, and affection. Those who taxed him for giving utterance to those opinions with intolerance or exaggeration, indirectly charged our illustrious ancestors, the martyrs of Protestant truth, and the victims of Popish tyranny, with all the rancour of bigotry and all the rashness of fanaticism. His disappointment at the results which had flowed from the Roman Catholic Relief Act was perhaps even more poignant than that of his right hon. Friend who introduced that Act in 1829, as the preferable alternative in a choice of evils. He, when first elected a Member of that House, in 1811, declared himself a humble but zealous champion of that measure, as being in itself a positive good. For the sake of contributing, as he fondly thought, to the welfare and happiness of Ireland, he forfeited the goodwill of an Anti-Catholic Cabinent, and gave up all hopes of personal advantage by voting in favour of Mr. Grattan's motion in the spring of the following year. But he was compelled to acknowledge, with deep humiliation and regret, that not one of his predictions had been fulfilled, nor one of his expectations realised. And were such complaints peculiar to himself? He could not, on this subject, help alluding to a very striking contrast which he had seen illustrated by multiplied examples. He had the honour to be well acquainted with many politicians, who, like himself, were from the earliest commencement of their public career most strenuous advocates of the Roman Catholic claims. He had heard not a few of them lament the fatal error into which they were betrayed by false promises and specious misrepresentations, and a still greater number their grief and indignation at the extent to which solemn pledges had been broken and fresh pretensions urged by those whose cause had been espoused, on the ground of their repeated asseverations, that when the privileges then contended for had been conceded they would prefer no ulterior demands. On the other hand, he also knew many equally conscientious and intelligent persons who opposed these measures up to the latest moment, and he never found that one of them experienced the least compunction for the conduct which he pursued, or manifested the slightest astonishment at the evils arising from the concessions which he had deprecated and resisted. Not one of them had ever exclaimed, "Well, I am really lost in wonder when I reflect upon my own blindness and obstinacy. I am quite ashamed when I contrast the gratitude of the Roman Catholics towards their supporters, the abstinence of the priests from all interference in the turmoil of secular politics, the undisturbed tranquillity of Ireland, and the entire security of the Protestant Church, with all my gloomy anticipations, and all my exaggerated fears." Another objection which he had to this measure was the apprehension that it would ere long be followed up on the part of her Majesty's Ministers by further concessions to Roman Catholic importunity. On this head he was convinced that there was no finality. The principle on which they acted in all their negotiations with the movement party seemed to be this—"We will concede nothing that you will allow us to withhold, but we will withhold nothing that you insist upon our conceding." All the enemies of the Church were their friends, and most of the friends of the Church were their enemies. The news of their resignation was received last year with delight by the Protestant clergy throughout the realm; their return was hailed with a delirium of joy by the priests and precursors of Ireland, and why? Because the former anticipate extreme danger to our ecclesiastical establishment from their continuance in place, while the latter were led to hope that there was some prospect of obtaining through their instrumentality a portion, at least, of those objects which their leaders so strenuously insisted upon out of doors, and within the walls of Parliament as studiously abstained from urging. It was admitted and even contended by their own partisans that any alternative was preferable to that of resignation. The principle of maintaining a Protestant Church in Ireland was already made an open question in the Privy Council, by the admissions of the right hon. Member for Tipperary, and might become so, ere long, in the Cabinet. There every important measure had both in its supporters and its opponents. It was a kind of *concordia discors*, where they were usually six of one side and half a dozen of the other. The only maxim to which all must adhere was this, that duty must be sacrificed at the shrine of interest, and office retained at the expense of principle. He was aware that it was quite hopeless to oppose the further progress of this bill; but he believed that, with all the most honest and zealous Protestants of Ireland it was not less unpopular than the most obnoxious of its predecessors. Her Majesty's Ministers boasted much of Irish tranquillity, which he placed on a level with Ministerial consistency; both were temporary and conditional, both depended entirely for their continuance upon considerations of policy and convenience. This bill must necessarily tend to increase Papal influence in Ireland, and to undermine British supremacy. It was a bill investing Daniel O'Connell, Esq., M.P. with the office of Lord Mayor of Dublin, *quamdiu se male gesseret*, and for enabling him to appoint vice-agitators to every office in every municipality in order that meetings might be annually held, and petitions annually voted, for the conversion of the rent-charges of the Protestant Church to secular purposes. It was a bill, not for dismantling certain time-honoured fortresses, but for compelling the Protestant troops to evacuate them, that Papist troops might take their place. His noble and right hon. Friends near him might ere long have cause to lament that they abandoned the high 'vantage ground of principle, and allowed themselves to be entangled in the narrow defile of detail amid the miry marshes of expediency. It must be allowed that their conduct was at all events most disinterested, for they would find, if they traversed the whole length and breath of Ireland, that while they had not conciliated a single opponent, they had damped the energy and outraged the feelings and forfeited the confidence of many a stanch and steady friend; how many true-hearted Protestants would now be induced to exclaim, "Why should we take an interest in the Conservative cause? Why should we canvass? why should we vote? why should we register? why should we incur obloquy? why should we expose ourselves to danger? The incomes of our clergy have already been diminished by one fourth, our corporations are now recklessly transferred into hostile hands. How long will our Church itself be spared, why may it not also be made over to Popish tyranny and superstition? Our intrepid ancestors engraved on their banner the champion's legend, "No surrender." We their degenerate descendants, must ere long efface that inscription, and substitute in its place the cowards motto, "No resistance." He was persuaded that many a Protestant would ere long contemplate, with patriotic anguish and generous indignation, the processions of the Roman Catholic Lord Mayor of Dublin, in all the splendour of his official insignia, from the Mansion-house to the Mass-house; and he could wish no severer punishment for his hon. Friends near him, who had in this instance deserted the Protestant cause than they should be present as guests or as spectators at this inaugural banquet which would follow. There, "My Lord Mayor O'Connell" would in the first instance, propose "The health of his Holiness Pope Gregory XVI., and may he soon extend his paternal sway over an entire nation of united Irishmen." Next will follow, "Her Majesty the Queen," with all the honours accompanied by a silent but very general supplication that her Majesty might in due time, like her illustrious predecessor Queen Mary become a nursing mother of the true Church. Then, "Her Majesty's Ministers, the Liberal Members of the House of Commons, and the glorious, pious, and immortal memory of the appropriation clause." After that would be proposed, "The healths of the Duke of Wellington, Sir R. Peel, Lord Stanley, Sir J. Graham, the Recorder of Dublin, and the non-Liberal Members of both Houses, without whose generous co-operations we never could have ousted our bigoted predecessors, or attained those high offices which it is our pride and our happiness to hold." What the fifth toast might be he did not pretend to divine, but it certainly would not include Sir G. Sinclair or Sir R. Inglis. This bill could not fail to gratify the ambition, to further the interests, and to consolidate the power of a faction which cherished a deadly hatred to the Protestant faith, and was resolved to leave no means untried for overturning the Established Church — whilst at the same time it must enhance the mortification, endanger the security, and annihilate the influence of a party heartily devoted to the Protestant religion, and uniformly attached to British interests. It might, with a few alterations, be described in the emphatic language applied by a right hon. and learned Privy Councillor to the Church—it was a bill by which a faction would triumph and a nation be disturbed —a bill from which no imaginable good could flow, but evil in black and continuous abundance—it was a bill by which religion would be retarded, morality vitiated, atrocity engendered: and, therefore, after respectfully tendering to the House his acknowledgements for their indulgence, he felt the greatest satisfaction in having the honour to move, that it be read a third time this day six months.

Mr. *E. Tennent*, in seconding the motion, would not take up the time of the House by reiterating the arguments which from the very first had induced him to oppose to the measure; but the question had been under consideration for so many years, and had been discussed in all its bearings in so many successive Sessions, that there was no Member, the most indifferent, who must not have had it forced upon him to form some opinion concerning it, and to become, in some degree, decided as to its bearings. He was not content to rest his opposition to the bill on the same grounds taken up by some of the gentlemen in the corporation of Dublin, whose alarms regarding its political and sectarian effects he could not but regard as highly excited and exaggerated; but these had been so repeatedly canvassed in the House, that he would abstain altogether even from stating the proportion of importance which did attach to them. In Dublin it might, and he had no doubt the change in those respects would be very considerable; but he did not believe so of Belfast, and the other important towns in schedule A. But independently of these considerations, there were other and important grounds on which he had from the very first resisted the introduction of the measure, and on which he was still as strongly as ever opposed to it, namely, its practical working, its turmoil, excitement, and expense—all points so objectionable in a mercantile community; and its cumbrous inapplicability at the present day to the objects which it was designed to accomplish, and which could be far more satisfactorily compassed by simpler, cheaper, and more rational arrangements. It was contrary to all experience to say that institutions and forms of municipal government, which might have been very necessary during the middle ages, and very suitable to a turbulent state of society, in which commerce was insecure and social relations undefined, must as a matter of course be indispensable or even applicable to the same objects now, when all these evils had disappeared, and when the functions of municipal government were confined exclusively to those arrangements which are essential to the health, the cleanliness, and the comfort of the municipal communities. He spoke, of course, of the form of government contemplated by the present bill, which was one referable to very remote antiquity. When the trading portion of the population first congregated into towns, and, separating itself from the agricultural, purchased or obtained the rights of self-government, the form which from vanity perhaps more than utility they chose, was an imitation of a limited monarchy, the mayor representing and frequently even to the present day assuming the very title of the sovereign, and the aldermen and common council representing the two Houses of Parliament, whilst the other attributes of government, the administration of justice, the maintenance of an armed force, the levying of taxes, and the state of royalty, each found an imitation in the recorder and his prison, the local police, the borough rate, and the corporate officers. All this might then, perhaps, have been desirable as well as imposing, but would any man in his sober senses say, that all this array of assemblies and independent departments was either desirable or suitable to the present times, or that a simple committee or a body of elective commissions would not much more effectually accomplish all that was to be achieved? Would any man say that it was essential to the well-being of Ireland that her towns should be watered and watched by a balanced constitution, or their streets paved and lighted on the principle of a limited monarchy? One great mistake had clearly been made when the corporations of England were under revision—that this absurd system had not been swept away altogether, and the functions of municipal government handed over to a body of the citizens chosen by the community at large and acting for the general good, without ostentation or turmoil or self-interest. But the commission of that error in England had led to a similar infliction upon Ireland in the shape of the present bill; and his opinion had from the first been, as it was now, in favour of sweeping away this absurd and antiquated machinery altogether. On this broad and intelligible principle, he, as representing a business-like and active community, was opposed to the present bill, as one utterly unsuited to their wants, and actually hostile to their peace. He had on a former occasion pointed out, that besides overthrowing a system of municipal government which at present existed to the perfect satisfaction of his constituents in Belfast, simple, cheap, and effectual, and substituting in its stead this complicated and extensive, and turbulent code, the new corporation, when elected, would in reality have not one single function to perform in that town. Its whole affairs would still be managed as heretofore, by boards chosen under local acts which were not to be repealed; and the new corporation, after all its noisy and angry elections, its costly and turbulent contests, would have an absolute sinecure. Such would likewise be the case in Dublin, so far as regarded municipal functions, and on the same principle many of the other great towns of Ireland, Galway, Sligo, and Clonmel, were, if not avowedly hostile, at least very dubiously inclined towards it. In this way, available for no useful purpose, power would not fail to be perverted to political mischief, and the augmenting of that which but too loudly called for diminution—the bitterness of religious and political asperity and contention in Ireland. Now, if there was one town in that country in which more than another, he looked with indifference as to any positive power of accruing, in the end, to the Radical party by the bill, it was the town of Belfast; but he did see in it an inducement in the meantime to agitation, and a premium to discord, which would not fail, whilst they lasted, to be highly detrimental to the public peace; and to show the

House the spirit with which one party at least were already preparing to carry the new law into execution, he would read an extract from the *Belfast Vindicator*, a Roman Catholic newspaper of great ability, and certainly of great candour and openness of purpose, which within the last few days contained the following exhortation to the new municipal constituency. The hon. Member was proceeding to read an extract cut from a copy of the above-mentioned journal, when

The *Speaker* said, that it was not competent to any hon. Member to read a newspaper in the House.

Mr. *E. Tennent* replied, that he was about to read an extract from a newspaper as part of his speech—that he had cut out from the paper a slip of the portion to which he wished to call attention, and he conceived that he should not be out of order in reading it.

The *Speaker* was sure the hon. Member himself must see that a slip was equivalent to a newspaper.

Mr. *Hume* thought it would have the effect of depriving the House of many facilities in the transaction of business if they were prohibited from reading printed papers in that House, and he conceived that if they were denied permission to read an extract from a newspaper, it amounted to a prohibition against all printed papers.

The *Speaker* understood the rule of the House to be, that unless a Member got up in his place to complain of a breach of privilege, he was not entitled to read a newspaper, and as a slip was equivalent to a newspaper, it appeared to him that the hon. Member for Belfast could not be in order when he read to the House, as he proposed to do, the extract in question.

Sir *R. Peel* said, if he recollected aright, the rule applicable to the reading of newspapers in the House was this —that Members, on account of the indecorum and the inconvenience that would result from any such practice, should not be at liberty to read newspapers in the House which had no reference to the matters under consideration; but he doubted whether it would not be drawing the rule too tight to say that a Member was not at liberty to read an extract from a newspaper as part of his speech. Suppose a public meeting had occurred, the resolutions of which were thought to be of sufficient importance to deserve the attention of the House, and that an hon. Member found reading from a newspaper to be the most convenient mode of putting the House in possession of those resolutions, were they to say that such a proceeding would be out of order? Could they establish a rule prohibiting such a reference? He knew it was irregular to refer to a report of a speech appearing in a newspaper, and purporting to have been delivered in that House; for of course hon. Members could not be held responsible for anything which they had not themselves formally authorized. Reports appearing in newspapers of speeches made in that House were undoubtedly matters which could not be referred to as authorities; but he thought it would be inconvenient if hon. Members were not at liberty occasionally to make extracts from newspapers a part of their speeches. The House could not distinguish between newspapers on the one hand, and pamphlets, reviews, and books on the other; and he presumed it would not be said that they were to refer to no printed paper.

Lord *J. Russell* said, he did not see any difference between printed books and newspapers, so far as the reading of extracts was concerned; and he must say, that he had seen the reading of such extracts allowed, though it certainly was contrary to the strict rules of the House. If, however, an hon. Member made an extract, whether printed or written, whether from a newspaper or from a book, a part of his speech, be the strict rule what it might, the practice had of late been to leave such a matter to his own discretion.

Sir *R. Peel* observed, that on a late occasion large passages from newspapers were read in the House, containing a correspondence between Messrs. Fox and Forsyth, respecting the frontier of New Brunswick, which contained information of great public importance. He should, of course, treat with the greatest possible respect any opinion coming from the chair; but he never before had heard, that the reading of extracts was contrary to order.

Lord *J. Russell* remembered some years ago, that he had occasion to refer to reports of considerable importance respecting the conduct and treatment of prisoners, that the Speaker of that day held he was out of order, and said, that such extracts as those which he had proposed to read, were out of order, and could not be read without the permission of the House.

Mr. *E. Tennent* then resumed, and proceeded to read in the following terms the extract to which he had previously referred.

> "As regards Belfast, we have looked closely into the probable state of the franchise in the different wards, and we can safely promise to Reformers a decided majority in the council. It is time to consider what proportion of that majority, or rather of the candidates hereafter to form it, will be selected from the Catholic body. If the 30,000 Catholics in Belfast be permitted, without the heat and excitement of a contest to select eight councillors and two aldermen out of the forty gentlemen to be chosen by these officers, we can promise that they will seek no more; it would not be candid to omit adding, that they will be content with no less. The Catholics of the town will speedily meet to put forward their views in a more distinct manner, and to arrange dedetails important to success. An appeal will then be made to Protestant Reformers, the result of which we heartily trust will be a warm co-operation between both."

It would seem that this honest avowal of the Catholic organ had excited the alarm of the more wily ministerial paper in Belfast; for in the next publication of the *Vindicator* appeared the following:—

> "The *Northern Whig* of yesterday, referring to our late articles on the municipal question, deprecates the idea of sectarianism having any influence on the selection of corporators in Belfast, and declares that people will care little for the religion of the parties if they be otherwise qualified. This would be sad drivel, if it were not something worse. No question was ever agitated from the beginning, not even the question of Catholic emancipation, more completely in reference to sectarianism than this one."

And so the writer proceeds to justify the determination of the Roman Catholics to make it, not a municipal, but a religious and political question. Now, he (Mr. Tennent) had already said, that the issue of such a struggle he held in utter contempt. The Radical and movement party would in the end make nothing by the strife; the influence of property and the good sense of commerce and business would in the end prevail, and keep each party in its proper place; but at the same time he could not express in too strong terms his disapprobation of a measure which, without any practical or beneficial result, would lead inevitably to such a course of contention and heartburning, and animosity intermediately. He saw in it a system unsuited to the altered circumstances of modern times, and effects highly detrimental to the public peace, and chiefly on these general grounds, though not irrespective of others, he gave his hearty support to the motion of his hon. Friend, that the bill be read a third time on this day six months.

Mr. *Shaw* regretted that his hon. Friend had made the present motion, and he hoped that his hon. Friends who had moved and seconded the amendment would be content with having delivered their speeches against the bill, and would not press the amendment to a division. He felt quite assured that if they did, the division would be misunderstood, and the conduct of those on that side of the House who voted against his hon. Friend's amendment would be subjected to being both misinterpreted and misrepresented. If, however, a division was pressed, then he must act under the circumstances in the way which he believed to be the most consistent with the course he had hitherto taken, and with the general views which he entertained on the subject of the bill, and that would be by voting against the amendment. He might have absented himself altogether, but he was adverse to shrinking from the responsibility of taking one line or other upon a question of so much importance, and in respect to which from first to last he had been obliged by circumstances to bear an active part. He was free to admit to his hon. Friends that he did not approve of the bill in its present shape, and that if the question was whether or not it should in that shape pass into a law, he should vote against it. [*Hear, hear, from Sir G. Sinclair.*] His hon. Friend cheered, and true it was, that according to the mere technicalities of the House, he might on that account be expected to vote for the amendment of his hon. Friend, but he was not prepared to sacrifice substance to form, and the practical question that would be decided by the vote of that night was whether or not the bill should be sent to the House of Lords for the purpose of being amended there, and then so amended passed in the present Session. He had, in strictness, no right to assume that the amendments which he had proposed in that House would be made elsewhere; but that question was not a new one; they were well acquainted with the stages through which it had already passed, and he particularly bore in mind that those amendments for which he contended had last year been made in the other House of Parliament, and that the noble Lord opposite, the leader of the Government (Lord J. Russell) had subsequently declared in the House, and in his presence, his willingness to accept of the bill thus amended. Considering then, that the noble Lord was bound by the same honourable obligation, upon which he and others on his side of the House had acted in reference to that same measure, to adhere to the spirit of the declaration he had thus made at the end of the last Session, he felt it his duty not to oppose the bill being forwarded in order to that end. He would not then further advert to those implied pledges or public declarations which had been made on both sides of the House than to say, that if he was released from any share in them, which, after the statements made by the leaders of the Conservative party in both Houses of Parliament, and the condition of the two other Irish measures then in operation having been granted, he did not feel any Member of that party who had not dissented from them well could be, yet he was unwilling to rest his conduct upon that narrow ground; and even if he was free from all such honourable engagement, he should be prepared to say upon the intrinsic merits of the question itself, that he would regard it as more conducive to the public good and to the welfare of Ireland, that the question should be settled on the principle that had been agreed on by both Houses of Parliament, than that it should remain any longer in its present unsettled and most unsatisfactory condition, and they seemed to be reduced to that alternative, for none of his hon. Friends who had objected to his course had themselves proposed to substitute any other; and as his hon. Friend had dwelt so much upon the Protestant interests of Ireland, to which, he trusted, he was as firmly attached as his hon. Friend or any other Member of that House, he could not help saying, that he considered the true interests of Protestanism in Ireland to be rather prejudiced than served by the patronage and advocacy of those injudicious and irrational persons into whose hands some of the present corporations had too much fallen of late, owing principally, he believed, to the fact, that the legislation of the last five years had so crippled the powers of the existing corporations, in regard to the management of their property and the appointment of their officers, as to have driven from all share in their control, the most respectable and influential persons who had been previously in connection with them, and to have prevented all others of that class from joining them. Under all these circumstances, if a division was pressed, he must vote against the motion of his hon. Friend to postpone the consideration of the question for six months more; but he had principally risen to deprecate any division being taken in that particular stage of the measure, as being calculated to produce misunderstanding, and to countenance the appearance of a difference of opinion which did not really exist on the opposition side of the House.

Colonel *Perceval* wished to arrest the course of this pernicious measure, and should, therefore, support the amendment. None of those amendments which even his right hon. Friend, the Recorder of Dublin, had considered necessary had been carried. The bill would take the government of the corporations out of the hands of those who were friendly to the connection with England and to the institutions of the country, and put it into the hands of those who were desirous to overthrow those institutions and to destroy the English connection. It was true that the Bill would be purified of much of its dross in another place; but no change which it would undergo there would render it a good measure. He was bound, however, as a Member of that House, to deal with the bill as it then was, without looking to any probable alteration elsewhere, and he would, therefore, vote against the third reading.

Colonel *Maxwell* would also vote against the third reading. If he had been able to attend when the question was put upon the second reading, he would have voted against it.

The House divided on the original motion:—Ayes 182; Noes 34:—Majority 148.

List of the AYES.

Adam, Admiral
Aglionby, Major
Ainsworth, P.
Anson, hon. Colonel
Bailey, J. jun.
Baines, E.
Baring, rt. hn. F. T.
Barron, H. W.
Bellew, R. M.
Bernal, R.

Bewes, T.
Blake, M. J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Buller, Sir J. Y.
Busfeild, W.
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Collier, J.
Coote, Sir C. H.
Corbally, M. E.
Craig, W. G.
Curry, Serjeant
Dalmeny, Lord
Darlington, Earl of
Davies, Colonel
Denison, W. J.
Divett, E.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duncombe, T.
Dundas, F.
Du Pre, G.
Eaton, R. J.
Eliot, Lord
Elliot, hon. J. E.
Ellice, right hon. E.
Ellice, E.
Evans, Sir De L.
Evans, G.
Evans, W.
Feilden, W.
Fenton, J.
Fitzalan, Lord
Fort, J.
Gisborne, T.
Gladstone, W. E.
Gordon, R.
Goring, H. D.
Graham, rt. hon. Sir J.
Grattan, J.
Greene, T.
Grey, rt. hon. Sir G.
Grimston, hon. E. H.
Guest, Sir J.
Hall, Sir B.
Hardinge, rt. hon. Sir H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
Hill, Lord, A. M. C.
Hobhouse, rt. hon. Sir J.
Hollond, R.
Horsman, E.
Howard, hon. E. G. G.
Howard, F. J.
Hume, J.
Hutchins, E. J.
Hutton, R.
Irving, J.
Knight, H. G.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Liddell, hon. H. T.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, C.
Lushington, rt. hon. S.
Lynch, A. H.
Macaulay, rt. hon. T. B.
M'Taggart, J.
Mahon, Viscount
Marshall, W.
Martin, J.
Marton, G.
Maule, hon. F.
Melgund, Viscount
Miles, P. W. S.
Milnes, R. M.
Morpeth, Viscount
Morris, D.
Nicholl, J.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Ord, W.
Paget, F.
Parnell, rt. hon. Sir H.
Patten, J. W.
Pattison, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Phillips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Planta, right hon. J.
Ponsonby, hon. J.
Price, Sir R.
Price, R.
Protheroe, E.
Pryme, G.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Rich, H.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, J. A.
Smith, A.
Somers, J. P.
Somerville, Sir W. M.
Stanley, E.
Stanley, Lord
Stanley, hon. W. O.
Stewart, J.
Stock, Dr.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, rt. hon. Sir E.
Surrey, Earl of
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, rt. hon. Sir R.
Wall, C. B.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Wood, C.
Wood, G. W.
Worsley, Lord
Wyse, T.

TELLERS.

Stanley, hon. E. J.
Parker, J.

List of the Noes.

Blackstone, W. S.
Broadley, H.
Castlereagh, Lord
Chute, W. L. W.
Darby, G.
Dick, Q.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Fector, J. M.
Fox, S. L.
Grimsditch, T.
Hamilton, Lord C.
Henniker, Lord
Hodgson, F.
Hodgson, R.
Houldsworth, T.
Jones, Captain
Knox, hon. T.
Mackenzie, T.
Maunsell, T. P.
Maxwell, hon. S. R.
Neeld, J.
Palmer, G.
Perceval, Colonel
Pigot, R.
Polhill, F.
Pringle, A.
Richards, R.
Sheppard, T.
Shirley, E. J.
Waddington, H. S.
Williams, R.
Young, J.

TELLERS.

Sinclair, Sir G.
Tennent, E.

Bill passed.

Privilege—Stockdale *v.* Hansard—Bill to authorise Publication.] Lord *John Russell* moved the Order of the Day for the second reading of the Publication of Printed Papers Bill.

On the order being read,

Sir *E. Sugden* said, that on a former occasion he had stated his reasons for opposing the bill; not that he disapproved of the bill, but because he could not obtain from the noble Lord opposite any assurance that he would accompany that measure by another which would prevent the publication of defamatory matter. That was the reason why he voted against the bill, and not that he disapproved of the proposed measure. He had a motion fixed for Thursday next, when he intended to move for the appointment of a committee, to consider and report to the House what steps should be taken in order to guard against the proceedings of the House, which it might think it necessary to publish, containing matter criminatory of individuals; and whether it was expedient to discontinue, or to place under any and what restrictions, the sale of such of the proceedings of the House as might be published. His object was to save individual character from defamation, and he would, where criminatory matter affecting individuals was contained in any printed papers of the House, prevent the extension of those papers by sale. But that was a matter which could be settled by the committee which sat upon printed papers. He would state to the House the the checks which he believed would be sufficient to prevent such papers from being sold, which papers unnecessarily contained defamatory matters as to personal character. These were the "votes" and proceedings of the House, some of which contained an appendix, and others a supplement. He would not object to the sale of the votes as at present, for the judges admitted that the right of the House to publish votes stood upon grounds totally different to the publication which originated the proceedings in Stockdale *v.* Hansard. With respect to the publication of the votes, there had always existed a guarantee against these papers containing defamatory matter, because it was directed that they should be first perused and finally signed by the Speaker, so that the House provided for their accuracy by declaring that before their issue, they should be previously sanctioned by the Speaker. Hence it followed that, by the vigilance which had been exercised with regard to the votes, no additional checks were required for those papers, and with respect to them he proposed no alteration. Next, as to the appendix, that could be remedied by the committee, although committees had not been always sufficiently guarded in preventing calumny upon individual character appearing in these documents; but they had themselves published, on one occasion, a paper which had contained the foulest libel upon a judge and jury. However, if these appendices were made subject to the control of a committee, there would be no doubt that they would exercise a cautious control over such publications as were unnecessarily oppressive to personal character; but when the public good required such charges to be made public, then, of course, individual interest must give way to the general good. What he contended for was, that when such necessity did not exist, the House should not wantonly asperse and injure the characters of individuals. In the vigilance of a public petition committee, he would rely with regard to the appendices to petitions. There was another class of paper to which he wished to call the attention of the House. These were the supplements which contained those petitions which were ordered by the House to be printed. That was a class of published papers which required checking. A Member rose and moved, that a certain petition be printed; the Speaker said, that the petition could not be printed unless the Member intended to make it the groundwork of a motion; the Member acquiesced, and on the following morning the petition, containing perhaps the grossest libels and the foulest calumnies, was circulated throughout the country. The check he moved for would be a very simple one, and that was, that no petition should be printed with the supplement, except such as were read at the table of the House, or such as were perused and signed by the Speaker. That would not be attended with the labour which might be apprehended, for he (Sir E. Sugden) would very reluctantly impose additional duties upon the right hon. Gentleman. The labour would be found to be very light, because, when the public knew that petitions were to become subject to such scrutiny, and were liable and likely to be rejected, by reason of their containing defamatory matter, the parties forwarding such petitions would be cautious in preparing them, because they would find that the power of libelling with impunity would be guarded against. This, in a short time, would prevent anything like additional labour being imposed upon the officers of the House. As to the bills which might be introduced into the House, or which might pass that House, no danger was apprehended, because there could not exist the possibility of any libellous matter finding its way into these bills. There were other papers to which he wished to direct the attention of the House. Those papers consisted of reports, those made by Members of the House, and those reports made by officers appointed by the Crown, who were responsible to the Government, and whom the Government would check as to the contents of their reports. Those papers proceeding from committees of the House, and from committees of inquiry, both required checks. There was a check which he would take leave to suggest with respect to reports emanating from committees of the House, and that was, that the committee should state in the report whether or not there existed matter in that report which ought not to be made public, or which involved the personal character of any individual. That being embodied in the report would attract the attention of the House as to the propriety or necessity of publishing the particular report. The safety of the public, and of the House itself required such security against publication. In commissions of inquiry it would be important that the commissioners should also state in the body of their reports if there were any particular report which ought not to be published generally, and the Government would take care that such report did not generally appear. By these means all the publications of the House would have such checks as would satisfy the the public that they were not likely to be damaged by the sale of the printed papers; and he hoped that the noble Lord opposite would consent that some such measure as he then suggested would accompany his Bill, and for that reason he would recommend to the noble Lord and to the House the appointment of a Committee of publication similar to that which already existed with respect to printed papers—that committee to have the control of the number of papers that should be or should not be printed. At present the directions of the House were to sell all the papers, but there was no control as to the number to be sold. To the sale of the papers he did not object, provided proper precautions with respect to the public were taken; and, indeed, he did not think that a better course could be pursued for the circulation of the proceedings of the House than the sale of the papers, which were sold at one-third original cost. To the sale of the papers, provided these checks were applied, he was favourable, as an excellent mode of circulation. With the Bill before the House he thought it better not to interfere, but to leave it in the hands of the Government; and, for that reason, the papers containing his views upon this subject he would hand over to the noble Lord; and if the noble Lord would himself move for these or similar checks, or would take time to consider them, he should be satisfied, and he believed that when the noble Lord would give these checks his serious attention there was no doubt but he would accede to the suggestions proposed. However, if the noble Lord would not accede to these suggestions, he should feel it his duty—a painful duty, he would acknowledge—to vote against the third reading. As to that clause which the noble Lord intended to introduce respecting actions then pending against the Sergeant-at-Arms, the noble Lord had not furnished any information, and had made no statements to the House. Although the jurisdiction of the House had been unquestioned by every constitutional writer and lawyer who had written or spoken upon the subject, and though the jurisdiction of the House might be perfect, yet the execution of that jurisdiction might be imperfect; and the officers of the House, in executing its orders, might have exceeded their orders, and hence made themselves liable to an action. For that reason it would be unjust to deprive the subject of the protection of the law against what might be considered an improper execution on the part of the officers of the House. Their privileges secured the House against an action, but the execution of its orders did not and could not secure their officers against the consequence of an excess in that execution. He therefore hoped that the noble Lord would not retain that clause in the Bill.

Mr. *Warburton* hoped that the questions as to the Bill before the House, and the restrictions which the House would impose upon the publication of the printed papers would be considered quite distinct questions. It would not be fair to the Members of that House that they should be called upon to place the printing and publishing of the papers under duress in order to induce parties in that House to pass the Bill. They were not probably called upon to offer a premium for passing the Bill. The vigilance of the Committee as at present constituted, and the rules and regulations of the House, were guarantees amply sufficient, with any additional restrictions such as those suggested by the hon. and learned Member. He was glad to find that the hon. and learned Member was favourable to the sale of the printed papers as the most efficacious means of circulating the proceedings of the House. To the Committee of censors suggested by the learned Gentleman he was opposed—first, because the duty could not be done by reason of the voluminous publications not affording time or opportunity; and secondly, because that duty would not be discharged on account of the time and labour necessary for the discharge of that duty. Many Committees had suppressed much of the facts which came before them, on account of the injury which the publication of them would occasion to individuals. By the Committees which sat on affairs respecting slavery in the West Indies a great deal of the evidence had been suppressed; and he believed that the fitness for publication of those facts which might be subject to their review would be amply secured by the respective Committees. He, therefore, hoped that the hon. and learned Member would resume his seat at the Committee from which he had recently seceded.

Mr. *Hume* said that it had been his lot to sit upon committees; and, if the hon. and learned Member opposite had had experience of the working of committees, and their mode of discharging their duties, he would find that there did not exist any necessity for several of the recommendations or suggestions which he had given. He was rejoiced to hear the testimony of the hon. and learned Member as to the benefit accruing to the public by the sale of the publications. For his own part, since the papers had been sold he had himself experienced the greatest relief, because persons who on former occasions used to apply to him for the reports had thus an opportunity of furnishing themselves with those documents at a cheap rate. The storehouse contained 2,200,000 volumes, and it was of the highest advantage to the public to have access to that treasury of information.

The *Attorney-General* was rejoiced to find that the bill was likely to have the support of the right hon. and learned Member for Ripon, and he concurred with many of the opinions which had been delivered by that right hon. and learned Gentleman as to the publication of the printed papers. It was necessary that everybody should know what were the proceedings of the House, and the only way by which that knowledge could be communicated was by the sale of the publications, which could alone prevent that waste which necessarily arose from the former mode of distribution. If the hon. and learned Member for Ripon would resume his labours in the committee, of which he had been such a useful Member, he could give such suggestions as he deemed requisite, which would no doubt receive from the committee all that attention which was due to the source from which they proceeded. His object in rising upon that occasion was to guard against any prejudice which might exist as to the clause which went to stay actions then in progress against the Sergeant-at-Arms. Into the merits of the clause he would not, however, enter; but he considered it desirable that such a clause should be introduced, for when that clause was carried everything would be settled, for it had reference only to those vexatious actions which had been or might be brought to harass the officers of the House. On that supposition there were numerous precedents in existence for stopping actions by the authority of Parliament. There had been, for instance, a great number of actions stopped which had been brought under the Non-residence Act; and a great number, also, which had been brought against printers. These actions were *quoad* vexatious, and they were stopped as such by the authority of Parliament. If, then, these actions were stayed by this authority, he (the Attorney-General) did not see why actions of the same nature should not be stayed against the Sergeant-at-Arms. That the actions in question were vexatious, brought to raise the question of privilege, to test the powers of the House of Commons, and not to obtain a remedy for any real grievance, was beyond a doubt; and, therefore, in his opinion, all persons who wished well to the constitution of the country should be glad that these harassing proceedings were about to be put an end to.

Mr. *Darby* would not enter into the question of the principle of the bill, but he wished to know what was the intention of the noble Lord opposite with respect to the suggestion of his right hon. and learned Friend, the Member for Ripon? He should not oppose the second reading, but unless something were done to ensure the security of parties against libels, as suggested by his right hon. and learned

Friend, take an opportunity of making a proposition to accomplish that in committee. The public were entitled to that security; and he hoped that it would be a real, and not a fictitious, one which was offered them.

Sir *R. Peel*—Sir, I rise merely to point out what should have been stated some time since, that some of those who have taken the strongest part in asserting the privileges of this House have also not overlooked every other consideration, but, on the contrary, have done all they could, in the preliminary matter which led to these proceedings, to except individual character from injury. And I think I can most satisfactorily vindicate myself from any charge of that nature. For when the report of the committee of 1837 was made to this House on the subject of our privileges, as involved in the present question, at my suggestion these words were appended to it. And I now wish to be permitted to read them to the House, to show that some, at least, of those who have been the most strenuous supporters of its privileges have also been the last to desire to assert them to the injury of individuals, or the prejudice of private character. In the concluding pages of the report of March 8, 1837, I find the following remarks:—

"In concluding their report, your committee feel it incumbent upon them to observe that, although they have expressed a decided opinion that it is absolutely essential to the effective discharge of the most important functions of the House of Commons that the privilege of publication should exist without restriction, and that the authority to determine the extent of that privilege and the occasion for exercising it should rest exclusively with Parliament, they are not insensible to the evil which may arise from an incautious printing of Parliamentary documents, in cases wherein the character of individuals is involved, and wherein no public necessity calls for publication, or no opportunity is afforded to the party affected to give an immediate answer to the inculpation. Your committee are aware that, without the previous sanction of this House, no publication of its proceedings can be privileged; and that all presumption, therefore, of malicious motives is excluded; neither have they the slightest doubt that, if the attention of Parliament were directed to each individual case, ample precautions would be taken against the infliction of unnecessary pain, and still more against the possible case that the privilege of Parliament may be abused for the mere gratification of resentments connected with personal or party differences. But, amidst the pressure of the important and multifarious business which occupy its attention, it is impossible to exercise, on all occasions, that precautionary vigilance which might effectually guard against the evil to which we have thus adverted. Much, therefore, must depend upon the discretion and sense of justice of individual Members respecting the presentation and printing of petitions, and of the chairmen and members of committees of inquiry, in respect to the prosecution of their inquiries, and particularly in respect to the printing of the evidence which may affect private character, until the opportunity be given of rebutting it. To prescribe any positive rule upon such a subject is manifestly impossible. The invariable adherence to such a rule might protect public delinquents from a disclosure of their misconduct, or prevent the notoriety of facts important to the ends for which inquiry was instituted. It appears, however, to your committee (and they think the practical experience of Members will support the conclusion to which they have come) that it would not be difficult, on a mature consideration of each case wherein the exercise of a discretion may be called for, so to apply it, in the great majority of instances, as completely to reconcile all proper regard for the character and feelings of individuals with the faithful and effectual discharge of public functions. The more essential the privilege the more urgent the necessity for an exclusive and unfettered authority in deciding upon the exercise and the limits of it, the more important and the more becoming is it to take as much precaution as possible against the infliction of individual injury or unnecessary pain to private feelings."

And that this has not been an idle boast, I can bear witness; for I myself have seen, on more than one occasion, the exercise of a similar sound discretion by Committees of this House. I have known a case when reflections cast upon the character of an individual in the evidence taken before a Committee of this House were suppressed in the publication of that evidence and the report of that Committee; and I have known another case where, when a public officer was accused of misconduct, the accusation was suppressed until the party accused had notice, and was permitted to put in his justification. I think, generally, that this rule ought to be followed; and I think, moreover, that in cases of presenting petitions to this House containing allegations against individuals the greatest care should be taken so as to inflict as little pain as possible. There are cases, no doubt, in which the infliction of pain becomes unavoidable from their necessity; the case of the public officer to which I have alluded, for instance, and others of an analogous character. But this general rule should, in my opinion, be strictly adhered to and observed, that no pain should be inflicted gratuitously. The stronger our claim of privilege may be, and the more incontestible our right, the more urgent and imperative it is upon us, and the greater it is our duty, to see that no injury be done to individuals. I am sure that it is a rule that all will be unanimous in affirming. I do not mean to enter on the discussion of the Bill before the House, as the noble Lord has agreed to take it on a future occasion, and I shall reserve what I may have to say until then. I but rose to show to hon. Members near me that the privilege of this House has been exercised as far as I was concerned, with every delicacy to character and person, and to place on record my own conduct and sentiments in respect to the main question.

Sir *R. Inglis* felt the importance of the measure before the House to be so great, that, though his right hon. Friend had given his assent to the second reading of it without comment, he had such a repugnance to some of its provisions that he should depart from his example, and offer one or two observations on them. In the first place, he objected most strongly to the *ex post facto* legislation involved in the Bill. It was true the Attorney-General had alluded to precedents; but it was equally true that they were by no means cases analogous to the present; and he (Sir R. Inglis) should be very sorry to see the power of Parliament so far extended as was implied in that *ex post facto* clause, without sufficient justification. So much for the first clause. To the second clause there was a still greater objection; for it was an objection on principle. The Bill went not only to stop any action against the House for a wrong to individuals, but it also went to stop it against the officers of the House for any abuse, however great, of their functions. Now, that, in his opinion, was carrying indemnity much too far, and he wished to be understood as dissenting altogether from such a stretch of power. There was likewise a great objection to making the plea of the Speaker's license a bar to an action, because he thought it might lead to abuse, and was, at any rate, an undue assumption. These objections, however, he hoped would be removed in committee, and therefore he should not oppose the second reading of the bill.

Lord *J. Russell*.—I shall certainly give my most serious attention to the suggestions of the right hon. and learned Member for Ripon; but I think it is much better not to enter on their discussion at present. It is a very important subject to which they refer, and I think this is a proper time to revise the rules and regulations of this House in respect to it. These, however, I must say, are much more careful to prevent abuses in that particular than perhaps most hon. Members are aware of. However, as I said, I shall take the whole subject into consideration. With regard to the retrospective clauses, many precedents have been cited, and I shall weigh their applicability in every particular before I proceed with the Bill.

Bill read a second time.

ECCLESIASTICAL AND COUNTY COURTS.] Mr. *Hawes* desired to know of the noble Lord the Colonial Secretary, what he intended to do with the Ecclesiastical Courts Bill and the County Courts Bill? Whether he meant to abolish the criminal jurisdiction of the former, and whether he designed to press forward the latter? as there were a great many private Bills for the recovery of small debts pending which the General County Courts bill stopped, inasmuch as it would go to absorb their jurisdiction.

Lord *J. Russell*.—With regard generally to the Eccesiastical Courts Bill, I may say that it was considered very much in the committee of the House of Lords two or three years ago, and the result was that it became the determination of that House not to proceed with it until another Bill then before the House had passed. That Bill is the Clergy Discipline Bill, and there have been various discussions on it since, which led to no result. I have no official information on the subject, but I have reason to believe that a Bill of the same nature is likely to originate in the other House of Parliament, and in that case we shall be in a better position to proceed with the Ecclesiastical Courts Bill here. Some of the parts of that measure, those for the abolition of criminal jurisdiction, I mean to proceed with separately. With regard to the County Courts Bill, it has been delayed at] the suggestion of my noble and learned Friend the Lord Chancellor, until we shall have received the reports of the bankruptcy and insolvency commissioners of inquiry.

Mr. *Hawes* thought that these reports would not be made in sufficient time to be available this year; and he was, therefore, of opinion that something should be done in regard to the County Courts Bill without delay.

Subject at an end.

SUPPLY—ARMY ESTIMATES.] On the question that the Speaker leave the Chair to go into a Committee of Supply,

Mr. *Hume* said, that from statements laid on the table of the House, hon. Members would find that they were proceeding to vote their establishments upon the old extravagant scale, while last year there had been an excess of expenditure over income of a million and a half, and every probability of that excess this year being two millions. Now, he had always been of opinion that before any estimates at all were voted, the Government ought to give to the House an estimate of the whole expense of all the establishments together, and also an estimate of the expected income of the country. It had been shadowed forth by the noble Lord, that shortly after Easter they were to have some new taxes. He was against any new taxes, and he wanted to see if they could not do without them. With that view he had been looking at the state of the revenue, and he found that the increased expenditure had only risen from those establishments which were annually voted by that House. He was sorry to say that that system was proceeding, and up to the present time, he might fairly reckon the excess of expenditure over income at six millions sterling. Under these circumstances, the House must see the difficulty of avoiding the imposition of new taxes. The balance sheet he held in his hand showed a deficiency of a million and a half, and that was not owing to any deficiency in the revenue, for, on the contrary, the revenue was in an extremely prosperous state. Taking from the year 1833 to the present time, he was surprised to find that the amount of the net income exceeded the average of the last seven years. From 1833 up to the present time (with the exception of 1836, a year of unusual excitement), the average amount of the net income was forty-six millions and a quarter to forty-six and a half millions, but in 1838 the revenue was actually 47,333,000*l.*, being about one million more than the average of the preceding years, and yet notwithstanding all that they had the present large deficiency. The whole amount of taxation for the year ending Jan. 5, 1839, was 52,949,000*l.*, and they now thought of adding to that large amount by the imposition of new taxes, after so many years of peace. That appeared to him to be a very important consideration, and the question was how had the excess taken place? When he looked at the army, the navy, the ordnance, and the miscellaneous estimates, he found the explanation. In 1834, the aggregate of these estimates was fourteen millions and a quarter—in 1835, it was fourteen millions, something less than a quarter—in 1836, it was 13,800,000*l.*, and then began the increase. In 1837, it was 14,392,000*l.*—in 1838 it was 15,229,000*l.*—in 1839, it was 16,000,000*l.* nearly, and he apprehended that the sum required for the present year would be little short of 17,000,000*l*, the excess over the ordinary expenditure on these items would be little less than three millions. The number of men intended to be voted this year, was 137,232, namely, for the navy, 35,651; for the army, 92,899; and for the artillery, 8,318. Now he admitted that it was impossible for any person, except those immediately connected with the Government, to know the exact number which might be required for the service of any year, but he thought it was of the utmost importance to know why so large a military force was required before they went into a Committee of Supply. The Speech of her Majesty from the Throne, and the declaration of Ministers, would lead the House and the country to believe that they were at peace with all the world; and he would ask the right hon. Gentleman to explain why the force he asked for was so large, when in the year 1822 the entire number for the army, navy, and ordnance, was only 97,072 men. On a comparison of 1822 with the present year, as regarded the army alone, he found an increase of 24,988 men. Of these there had been 11,500 added in the years 1837-1838. It appeared to him extraordinary that the Government should have thought of sending 15,000 additional troops to Canada, when, had the people of the colony been only allowed to manage their own affairs, the country would have remained perfectly tranquil. Now, however, that Canada was at peace, he thought these additional troops should be withdrawn. Every thing, however, depended on the policy of the Government. Look at Ireland, which was in a state of profound tranquillity.—The hon. and learned Member for Dublin told them that if they were required, three or four more regiments might be spared. What was all that owing to? Why, that the Government had resolved to do justice to Ireland. Look at England, on the other hand. There the people at large were dissatisfied, and the masses discontented and disaffected; and the military which they had withdrawn from Ireland, were now required in England, to overawe and keep down the people. There was a sense of injustice and oppression rankling in the breasts of the people, and they felt that they were not governed by equal laws and equal justice. The outrages at Newport grew from a feeling of that kind, though the immediate cause of those outrages was an accidental circumstance. There was also a police force in every town, and what reason, therefore, could there be for keeping up this enormous establishment? They appeared to him to be going on from day to day like spendthrifts, regardless of the means by which to pay their debts; and he believed it was a principle that the more a man became involved the less care he took about trifles, leaving them to take care of themselves. Her Majesty's Government were running riot in expenses and establishments, forgetful of their good principles when in opposition. How lamentably had they failed with regard to reform and retrenchment! Of reform the country had got little—he hoped they would get more; and with regard to retrenchment, he did press upon the noble Lord that the course the Government was now taking must bring upon the country the most serious inconvenience, and what would be the result the noble Lord would find to his cost. As soon as difficulties increased, the Gentlemen on the opposite side would lay hold of them, and point out the extravagance of the Government, to show how reckless they were of the public funds, and try to convince the public they were unworthy of confidence. There might be some foundation for this. The noble Lord had a warning of this a few days ago, and he thought that if those Gentlemen were not so ready themselves to encourage extravagance, but follow his advice and become strict economists, they would find it a much better means of getting the support of the country than the course they now so unhappily followed. He had done his duty in making these general observations upon the military force (for he had not mentioned the militia, for which we had expended 9,000,000*l.* since the peace to no purpose whatever) and he must say that during the whole time he had never known so extravagant a military establishment; and this, too, when there was a deficiency in the revenue of from 2,500,000*l.* to 3,000,000*l.*, and we were in a state of what might be considered perfect peace. He had thought this the best time for making these observations, and he should consider it a duty he owed to the country, unless he heard from the right hon. Gentleman some good reason for an addition to our military force, to take the sense of the Committee upon it, by proposing a reduction.

Colonel *Sibthorp* said he had heard from the hon. Member for Kilkenny a great part of the speeches he had delivered on various occasions during the last three years, in which he thought he should be more correct if he said twenty years as the period the hon. Member had declaimed against what he and the country thought to be the extravagance and inefficiency of her Majesty's Ministers. He entertained no respect for them so far as political feelings went, but though the hon. Member had been declaiming against that side of the House, he invariably disappointed them—he asked what was the cause of this excess—what could be the cause of it—the want of good working; yet though the hon. Member knew this as well as he, he invariably sat down after making his speech, without taking a single effectual measure to turn them out. Could he effect this no man would rejoice at it more than he. With all this declamation how in the name of goodness happened it that the hon. Member continued to support Ministers instead of taking effectual measures to supplant them, which if he would do he should have his cordial support. The hon. Member talked of withdrawing troops from Canada—he thought a further increase necessary if the Government went on as they did. He had not assented to any one act of her Majesty's Government—no man living had a worse opinion of them in their political and official capacity—they knew nothing, and he thought if they did they were not disposed to act upon it. As he had said on a former occasion, there was joy in heaven over repenting sinners, and, therefore, he hoped they would take his advice, and change their course before it was too late.

Lord *J. Russell* said, it was hardly necessary for him to say much, as the hon. Member for Kilkenny had only gone over ground which had been repeatedly gone over. The hon. Gentleman said they ought strictly to limit their expenditure to the average revenue of the last two years, totally regardless of the foreign or colonial relations of the country. That was the principle to which the House was asked to agree, and to which he trusted it would not be disposed to agree. The hon. Gentleman said very truly that he ought to have made these observations on the navy estimates, which was a much more proper occasion for them; for what was the fact? There had been a considerable increase in the navy estimates this year amounting to 400,000*l.*, whereas the amount in army estimates was about 300,000*l.* less than last year; and if the hon. Gentleman had wished to enforce his principle and reduce to the state of the revenue the expenditure of the country, the navy estimates was the proper opportunity for him to have divided on the question. He had stated the reasons for the augmentation of the army in August last, and they had met with the general concurrence of the House. He had placed that augmentation on three grounds—one was, that there was a very considerable excitement prevailing, and a necessity that they should resort to strong coercive measures to reassure those who feared that their property and persons might be attacked. The country was now in a more peaceful state, and he could not agree with the hon. Gentleman that what had occurred at Newport was a sample of the general state of the country; but if it was, it would be a very good argument for an increase in the army. Another ground he had stated for the augmentation was the continuance of the necessity to have a considerable force in Canada. The hon. Gentleman brought forward an argument which he (Lord J. Russell) thought it would be impossible to enter into now—that the whole necessity of an increase of that force in Canada was from the Government not pursuing that policy which the hon. Member recommended. His opinion was directly the reverse, for the demands then made went to establish a French Canadian republic in Canada; and he (Lord J. Russell) had thought it necessary to resist by force the carrying of that into effect. Another reason connected with the former reason as to Canada was, that the continuance of a very considerable force in Canada made the reliefs which were necessary, according to a prescribed system in the army, exceedingly difficult to be carried into effect, and that was still so much the case, that there were regiments in Canada which had been twelve or thirteen years absent from the United Kingdom. A very proper system existed in the army, by which the troops sent abroad on colonial service should return after ten years to this country, and remain for a certain period. The proportion of troops now employed abroad was very much larger than usual, and it was found impossible to carry that system into effect, which was another reason why he had proposed to make the increase in the army which the House had granted, and under which the commander-in-chief proposed means by which the system of relief might be re-established, and which, with the approbation of Government, was now being gradually carried into effect. He did not think the House would so far bear on the army as to prevent this relief which was necessary to its due efficiency, as well as due in justice to men who underwent great privation in time of peace. The hon. Gentleman stated, that the whole difficulty with respect to the boundary question in America, was the failure of his noble Friend, and the Government to make a reply to the *ultimatum* sent from the United States. His noble Friend, in the course of last year, had transmitted a project for the purpose of finally settling this question with the American Government. After the lapse of a considerable period, the American Government sent back a different one, called a counter-project, with various provisions of their own. At the same time that those provisions reached this country, there arrived gentlemen who had been ordered to make a survey of the part of the country in which the disputed boundary existed. These gentlemen were now employed in making a report of their survey, and as soon as their report was received, an answer would be given to this counter-project of the

American Government. That was the state of things at present, which would show hon. Gentlemen that there was not the want of any attention in making an answer to the *ultimatum*, as the hon. Member called it, of the American Government. There was another question—namely, of claims made by citizens of the state of Maine, to parts stated to belong to this country, which had led to proceedings between the Lieutenant-governor of New Brunswick, and the authorities of the state of Maine. That had led to some correspondence which had appeared, and it had led to the necessity of protecting the road and the shores by which our troops moved from New Brunswick to Canada, and which it was necessary to provide against, as gangs of persons roved about on parts held not to belong to either party. He would not go now into the general statement which his right hon. Friend the Secretary at War would presently make, and he thought that his right hon. Friend would show that they were not liable to be charged with asking for too great an estimate, if they were to retain the means which were necessary for preserving this great empire in its state of safety, and at the same time of resisting aggressions from whatever part they might come.

House resolved itself into a Committee of Supply.

Mr. *Macaulay* said, that his noble Friend (Lord John Russell) had relieved him from the necessity of making some remarks which otherwise he should have thought necessary in reply to the speech of the hon. Member for Kilkenny. He should, therefore, at present only say that any person who had heard that speech, and who was unacquainted with the previous transactions of the country, would have been very slow to believe that the military establishment proposed this year was actually lower in men and charge than that for which the hon. Gentlemen himself both voted and spoke. It was only on the 2d of August last, when his noble Friend proposed a supplemental estimate of 75,000*l.* and an addition of men amounting to 5,000, that the hon. Gentleman declared he would not take on himself the responsibility of refusing that sum of money and those men, which his noble Friend declared necessary for the peace and honour of the state. He should be glad to know why the arguments which the hon. Gentleman had used that evening might not, on the 2nd of August last year, have been urged with equal effect. All the hon. Gentleman had said respecting the refusal of justice to Canada, all he had said as to the refusal of justice to England, all he said of those monopolies, some of which he, like the hon. Gentleman, disapproved, as pressing severely on the people of this country, and all he had said as to the condition of the country, might be said exactly with equal propriety and effect on the 2nd of August last year as it was now. In bringing forward the estimates, which he should have the honour of proposing to be laid on the table, he should have the satisfaction, at all events, of thinking that he could not be found liable to the charge of profusion, if the hon. Gentleman was acquitted of it. The estimate brought forward by his noble Friend, the Member for Northumberland, in February, was 6,119,068*l.* To that sum, in August, was added 75,000*l.*, making the whole charge 6,194,068*l.* The whole charge this year would be 40,000*l.* more; but in this sum there was included a considerable charge for Indian troops, which would be defrayed out of the Indian revenues. The whole force estimated in February, 1839, including the force for India, was 109,818 men, and this year it was 121,112, making an addition of 11,294, but of these 7,746 were employed in defence of India, and chargeable on the revenues of that country. There remained an increase of 3,548 to be added to the 5,000 men voted last August. The additional force that he should have to propose was 4,088. It might be proper to explain the mode in which this addition was made, and the more so, because it would refute, he thought, conclusively, an invidious insinuation of the hon. Member for Kilkenny. About 500 were to be added by an increase of three companies to the 1st West-Indian regiment, and he trusted that such a sum as was requisite would not be refused for raising a force which would spare our own countrymen from the hardships inseparable from foreign service. About 102 men were provided for Malta, which the local authorities declared to be absolutely necessary, not only for the garrison but for port-guard. A small militia (so to speak) was required for Bermuda. It was thought desirable that a portion of the youth of Bermuda should be formed, not as a separate company, but as a sort of body appended to the best troops from England, and thus initiated in the best system of military discipline; and after having been for some time so attached, to return to the mass of the population, being relieved by a new set of young men. So that, in the course of a few years, every man would be trained to the use of arms, and be capable of bearing them should the public service require it. In this manner was made the addition of 500 men which he had spoken of. The remaining addition was made by 65 men being added to every one of the 81 battalions of infantry in the United Kingdom; thus raising each from 835 to 900 men. These 65 men consisted of 4 serjeants, 4 corporals, and 57 privates. To every one of the 20 battalions engaged last year in India 250 men were added, raising each from 853 to 1,103 men; and, lastly, of the two battalions transferred to India, the increase was made from 835 to 1,103, being an addition of 268. And now he wished particularly to call the attention of the House to this circumstance, because the hon. Gentleman the Member for Kilkenny had said, he had observed that every Government had an interest in proposing an increased force, because it placed at their disposal many comfortable things. Now the whole additional regimental charge for the increase to the 81 battalions he had referred to, did not afford the Government or the Horse Guards, the means of obliging a single acquaintance, or conferring a favour on one ten-pound householder. He wished the House to understand, that if the number of 4,408 which were to be added to the army, were struck off, no means of disarming opposition, or gaining support, would be taken away from the Crown. If any Gentleman took the trouble of looking through the different ranks of the service, he would find that the charge for officers this year was diminished by 2,000*l.* The only addition to the foreign force which would come out of the revenues of this country was the three additional companies added to the 1st West-Indian Regiment. Of the 121,112 men, who it was proposed should compose the military establishment, 28,213 would be charged on foreign revenue, leaving 92,899, for whose maintenance this country was to provide. This estimate was somewhat confused, by having included in it 572 men, who were not actually charged on this country, but who, as recruiting companies of Indian regiments, were included in the Mutiny Act. Any man disposed to approve of this measure, would have no difficulty in approving of the many parts of the estimate which contributed to it. The increase in the force sufficiently explained the increase in the regimental charge in the medical department, and the small increase for religious books and tracts granted to the soldiers. Considering that 20,000 men had been raised within the last year, that the applications for works of this nature had been numerous and pressing, and the assistance of benevolent societies not sufficient to supply this want, he thought he was justified in allotting 200*l.* to this purpose. Here was one item about which he believed it was usual to make some statement, and he should say a few words respecting it. As to the good-conduct pay, there was not an increase, but a diminution. The full effect of it would not be felt until 1843. The principle of a good-conduct warrant was this, that a soldier who had behaved well during seven years, received an additional 1*d.* a-day to his pay. Every soldier, since 1836, had the option of calling the old additional pay the good-conduct pay. The former was superior in this respect, that it could not be taken away unless by court-martial, and it was no less honourable than secure, for the soldier entitled to it had the power of wearing the good-conduct badge. The consequence was, that in 1840, at which time the soldiers enlisted in 1833 would have completed their seven years, we might expect a considerable addition to the soldiers receiving good conduct pay. But it was not until 1843 that the effects of the new system, which he confidently expected would be found highly beneficial, could be ascertained. The number of the men wearing the good-conduct badge was about 13,000. He had felt it necessary to make a slight addition to the article of provisions, forage, &c. This he had estimated at 245,000*l.*, and he saw little reason to expect a falling off in that charge. The reason was this: It was known to the committee that the Australian colonies had suffered severely from calamities, which seemed to be a set-off against the physical blessings with which they were endowed. The men had suffered from the effects of a most cruel drought; they had been excluded from the benefits of tea, and of vegetables to their soup, and in consequence of the high price of provisions they had been reduced from three to two meals a day, one of which was scanty and unpalatable, consisting only of oatmeal. These privations had fallen with the utmost cruelty upon those to whom our gallant men were most attached, and the medical men reported that the effects of the scarcity were visible upon the women and children attached to the regiments. Under these circumstances, it would be improper to maintain proper and efficient discipline, and therefore, if even all considerations of humanity could be discarded, policy alone would dictate attention to that point. In fact, to a certain and partial extent, discipline had already given way, and in one regiment the crime of theft had spread to some extent. It was, in consequence, therefore, of the distress which the gallant and deserving men serving in the colonies had suffered that he had made this addition of 5,000*l.* to the estimates. In the estimate there were three charges upon which, as they were perfectly new, it would be necessary to enter somewhat into detail. The first was a charge of 3,500*l.* for schoolmistresses. He saw some of his hon. Friends near him smiled, but they were perhaps not aware, as indeed he himself was not until a few weeks ago, of the strong reason there existed for this charge. The number of female children actually accompanying our regiments, was not less than 10,000. Those children were in the most emphatic manner called "the children of the State." For the public service they were hurried from place to place—from Malta to Gibraltar, from Gibraltar to the West Indies—from the West Indies to Halifax, as the common weal might require. It would, therefore, be inexcusable if we did not provide these, at a small expense, with some means of instruction. Ever since 1811 a schoolmaster had been attached to every regiment, and he thought that there should be a dépôt for the instruction of female children also, under the superintendence of a schoolmistress, who might be probably the wife of a serjeant, and whose duty would be to instruct them in reading, writing, needlework, and the rudiments of common knowledge; with such simple precepts of morality and religion as a good plain woman of that rank might be supposed capable of imparting to them. The next vote to which he had to call the attention of the committee was 10,000*l.* for the formation of a veteran battalion in Canada, where desertions had occurred to an extent unknown elsewhere. About six years ago an inquiry had been made, and it was found—there being there at that time 2,500 rank and file—that desertions had taken place to the number of 663, while, during the same period, the desertions from the whole British army had been only 2,240. These desertions in Canada had not been confined to bad and disreputable characters—non-commissioned officers and men of respectability and good conduct had deserted. Nor was this symptom of desertoin to be ascribed to distress, for many had gone away leaving behind them their necessaries and arrears of pay. Why desertion should take place more frequently in North America than in any other part of the empire it was not difficult to explain. In this country, the situation of the soldier was as comfortable, he might say more so, than that of the labourer, to which class generally the soldier belonged. In many of the colonies physical difficulties opposed themselves to flight. When in Malta, the soldiers were surrounded by sea; when at the Cape, they could only escape from their quarters to fly to the dwellings of savages; and as to India, he could imagine no situation more miserable than that of a deserter in that country, wandering amidst its vast regions, amongst a people of a strange race and colour, and his footsteps pursued by the power of British law. But with respect to the American colonies, the case was widely different. There the facilities of escape to the United States were many, and the temptation strong. The soil was flourishing, and the wages of labour high. The consequence was that there high wages, but still more the exaggerated representations that were put forth of the ease and luxury enjoyed by the labourer in America, had constantly drawn away our soldiers from Canada. Several plans had been proposed for meeting this evil. It had been proposed, and he thought wisely, that Canada should be the last point in rotation to which the troops on colonial service should be sent. There would then be a great number of men with additional pay and good conduct pay, and those higher advantages would tend to keep the men faithful to their colours. It had also been thought that advantages would arise, and the temptation to which he had adverted be counteracted, if the

Government were to hold out to the oldest and most tried of the troops in Canada a sort of military retirement, which should serve as a reward to those who remained faithful to their colours. Such had been the opinion of his noble Friend, the late Secretary at War, and of Lord Seaton, and he had reason to believe that that opinion was generally entertained amongst those who possessed the best information upon the subject. The precise details of the plan had not yet been made out, and much correspondence must take place before it could be produced; but as it was not improbable that, before the House again assembled, some regiments would be removed from Canada, it would be desirable that some men of good character should be induced to remain there. On these grounds he was induced to ask the House for the additional grant of 10,000*l.* on account. There was also a sum of 5,000*l.* on account, for the purpose of forming a corps for service in St. Helena —a place which required to be defended not according to the ordinary system. The whole charge for the land force then was 3,511,870*l.* for the present year. That applied for last year, including the supplemental estimate, was 3,496,382*l.* 11*s.* The increase, therefore, on this part of the charge was 15,487*l.* He now came to the staff, in which, in the Home Department, there was an increase, but a corresponding decrease on the foreign staff. On the whole there was an increase of about 550*l.*, the reasons for which were to be found in the state of the provinces of New Brunswick and Nova Scotia, where it had been thought desirable that that which had hitherto been a major-general's command should be changed into a lieutenant-general's command, and it was thought that, in consequence of the high responsibility attached to that station, it should be filled by an officer of great talents, and receiving additional pay. Why the charge for Canada was increased, it was unnecessary for him to state. He did not know whether hon. Gentlemen were aware how this part of the estimates was formed — they were framed from the actual expenditure of the last year of which they had the accounts —thus the estimates for 1839 was framed upon that of 1837, and that of 1840 upon that of 1838. With respect to Jamaica, the addition was occasioned by the refusal of the Assembly to vote those allowances which used to be considered as matters of course. The whole charge for the staff in 1839 was, in round numbers, 155,000*l.*, while that for the present year was 164,000*l.*, being an increase of 9,000*l.* He was sorry to say, that in consequence of the haste with which these estimates had been prepared, there was an error in the third line of the page, containing the head Public Departments. The item stood there at 5,016*l.* 17*s.* 6*d.*, but it ought to be 6,016*l.* 17*s.* 6*d.* With respect to the Royal Military College, it was unnecessary for him to say anything; and with respect to the Royal Military Asylum, the estimate for this year was 16,701*l.* 9*s.* 8*d.*, while that for last year was 17,486*l.* 3*s.* In the next item there was an increase: it was in the charge for volunteer corps. The vote for last year was 79,136*l.* 18*s.*, while that he asked in the present estimate was 92,993*l.* This had arisen from the expenses of calling out the yeomanry in aid of the civil power. He believed all would admit that, in the trying scenes of last year, the yeomanry exhibited all the valour and firmness for which those corps were distinguished; but in no instance, he believed, had they behaved with rigour and harshness, or otherwise than with propriety and discretion. While, then, the whole charge for effective estimates for last year was 3,807,073*l.*, the charge for the present year was 3,845,450*l.*; being an increase of 39,377*l.* He now came to the non-effective estimates. Under the head of Rewards for Service, there was a small reduction. The amount in 1839 was 16,041*l.* 18*s.*; while for the present year it was 15,815*l.* 10*s.* 1*d.*, being a decrease of 226*l.* The pay for unattached general officers last year was 102,000*l.*; this year it was 92,000*l.*, being a reduction of 10,000*l.* The number of general officers deceased who had received that pay last year was fifteen, and the number promoted to regiments nine. The number of Chelsea pensioners had decreased upwards of 1,000, and he understood there was a balance in the hands of the hospital, and he thought they might venture to make a reduction of 16,667*l.* Before he sat down, he could not help making some few observations on what had fallen from the hon. Member for Kilkenny. He knew well how zealous that hon. Gentleman was in the cause of economy; but he must be permitted to say that that hon. Gentleman had never given a vote so truly in favour of the cause of economy and of civil liberty, as when last August he voted for the increase of the army by 5,000 men, by which he now proposes to reduce it. He believed that that was a just and an economical vote. He had never for a moment doubted, that, on any great crisis that might befal this country, the force marshalled on the side of law and order would be found to be irresistible, and that this great country never could be given over to the hands of freebooters; but at the same time, when he considered the wealth of our great cities, it was not utterly impossible that a mob, exacerbated and infuriated by dishonest leaders, might have inflicted calamities that might have led to a crisis which the ingenuity and good fortune of years could scarcely have effaced. Once and once only, had this great metropolis been in the power of a mob, who for a short time had shown themselves to be stronger than the law, and that was on the occasion of the No Popery Riots in the time of Lord George Gordon. It was a matter of history that, at that time, a sum was awarded for compensation for injuries done to a single house, in a single street, greater in amount than that which was voted last year for the additional 5,000 men. Therefore he would repeat that the hon. Member for Kilkenny had never given a more economical vote than he did in the August of last year. It had been well remarked by Adam Smith, that though standing armies were found hostile to the liberty of the subject, yet that principle must be laid down with qualification. He believed that the remarks of that great man upon this subject were both ingenious and just. He believed that the question before the House a few months ago was simply, whether the force should be increased, or whether the Government should revert to the policy that had been tried by the administration of Mr. Pitt. He would say, then, that whoever voted on that occasion for that increase of force, voted for the House of Commons itself—for the freedom of the people—for the liberty of the press—for the security of property—in fact, for all the characteristics of a free state. Firmly was he convinced that the most happy and beneficial effects flowed from that vote. Nothing had since occurred that could justify her Majesty's Ministers in diminishing their means or their power of upholding and maintaining intact and uninjured the peace, the honour, the dignity and security of this realm. He therefore would place the vote in the hands of the Chairman, with the strongest confidence that it would receive the approbation of the Committee. The right hon. Gentleman concluded by moving, "That a number of land forces, not exceeding 93,471 men (exclusive of the men employed in the Territorial Possessions of the East India Company), commissioned and non-commissioned officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 1st day of April, 1840, to the 31st day of March, 1841."

Mr. *Hume* had expected some notice to be taken of what had fallen from him as to the number of men employed in the home service. It might have been supposed, from the eloquent address of the right hon. Gentleman, that there were no troops in the kingdom except the 5,000 that he had alluded to. The right hon. Gentleman should remember that there was such a thing as extravagance as well as economy. He remembered an anecdote relating to himself, which, as it was short, he would would tell the house. He was standing at the bar talking to the Chancellor of the Exchequer, when somebody asked "Who are those?" The answer was, "They are penny wise and pound foolish." Now he admitted, that he would rather at any time be "penny wise" than "pound foolish." He would like to know how the Duke of Wellington had continued with only 68,000 men, to maintain the honour and interest of Great Britain with as much credit if not more than the present Government. The numbers of men for the army had been gradually increasing. If the right hon. Gentleman would look only as far back as 1837 and 1838, he would find that the number was 81,000, and now the Government wanted 93,000. The right hon. Gentleman said that he voted economically in voting for the increase. What he then said was, that in the state the country was alleged to be in by the Government in consequence of the discontents that prevailed, he could not refuse to place at their disposal the sum they required. The right hon. Gentleman forgot to state what he added, which was, that in taking that course, he hoped they would remove as speedily as possible the cause of those discontents. Had that been done? If not, he then cast the blame upon the

Government. If it had, then there was no want of the five thousand men. Any amount of forces that might be absolutely necessary to prevent disturbance, he held to be economical. So far he, in common with the right hon. Gentleman, was a vulgar economist: but he wanted to know what indication of disturbance there was at the present moment to warrant the maintenance of so large a military force as was proposed in the vote just submitted to the House. He maintained that the army, as at present constituted, was more than sufficient to meet all the demands that might be made upon it. With a regularly established police force, rapidly extending itself over the whole of the kingdom, he could not calculate upon the probability of any circumstance arising within the next twelve months that could call for the service of so large a military body. If the police force were worth anything, it was clear that as its numbers increased, the numbers of the army ought to diminish. Since he had sat in the House, he had always been amongst the defenders of a standing army; because he held that a small regular force was at all times more efficient than one composed of men who were only half and half—half soldiers and half civilians. Hence he had been found amongst the opponents of yeomanry and volunteer corps; but whilst he defended a standing army, he had always been jealous of its extent and strength. He would not have its numbers increased beyond the amount absolutely necessary for the security of the empire. Admitting all the indications of disquiet to which the right hon. Gentleman had referred, he was still at a loss to know what ground there was for proposing so large a number as 93,000 men for the service of the ensuing year. He thought that the right hon. Gentleman had failed to make out a case that would warrant so large a vote. He should, therefore, propose to reduce the number of men to what it was in the year 1837-8. The hon. Member accordingly moved to substitute 81,319 men for 93,471, the number proposed by the right hon. Secretary at War.

Mr. *Williams* (Coventry) seconded the amendment.

General *Sharpe* pointed out the total inadequacy of a police force, armed only with small staves to preserve the peace, or restore order in cases of violent disturbance. In such cases, the only security to the public was to be found in the discipline and steadiness of the armed soldier. He concurred in the propriety of the vote as moved by the right hon. Gentleman, and should give it his cordial support.

Viscount *Howick* said, that so far from agreeing with the hon. Member for Kilkenny, that the number of men was too large, he thought it too small. He could not avoid apprehending that the means provided were hardly sufficient to diminish the severe pressure which he knew to be felt at present by the infantry of the line. Throughout his tenure of office he had considered this subject deserving of the greatest attention, and had frequently impressed upon the Government the necessity of taking decided steps to improve the condition of that portion of the army. He now felt some disappointment in one or two respects. He regretted that much more time and service would be required before the proposed veteran force in Canada could be established, and had hoped to have heard that some further increase of the black troops had taken place. Experience had shewn, and inquiry had proved, that the mortality which occurred amongst the British soldiers in our West Indian colonies was of a most frightful magnitude; and there seemed to him no other mode of effectually meeting that evil but by some further increase of the black troops. He could not understand, if neither of these measures was to be adopted, and if, as he had understood the right hon. Gentleman, the Secretary at War, that no modification of the existing system of depots was to be made, how, consistently with the demands of our colonial service, the right hon. Gentleman would be able, during the present year, to provide that relief, which, in fairness and in justice to the British army, ought to be afforded. The right hon. Gentleman stated, that the army in Canada had been there for eleven or twelve years, and yet, he said, it would not be possible to remove more than one regiment this year. The general statement of the right hon. Gentleman he thought highly satisfactory, although he certainly had hoped, that upon these two respects, more could have been done.

Sir *H. Hardinge* considered that the statement which had been made ought to be very convincing to the House that the force which had been moved for on the 2d of August last year was absolutely necessary for the service of the country; and he would beg to remind the hon. Member for Kilkenny, when he talked of our forces being more than sufficient for present necessities, that in one quarter alone in Canada, instead of nine battalions of the line for the performance of the ordinary duties in time of peace, we had there at this moment nineteen battalions of the line, showing in one quarter alone an addition of ten battalions of the line. The right hon. Gentleman, the Secretary-at-War, stated, that two battalions had been transferred to India, so that, instead of twenty battalions, we had now twenty-two battalions in India. Here, then, at once, beyond the ordinary peace establishment had we twelve battalions employed on two stations alone. That accounted for the difficulty under which the service was labouring—namely, the impossibility, he might almost say, of relieving the troops in the rotation laid down. The right hon. Gentleman had properly stated that the rule laid down was, that the troops abroad should remain ten years, and those at home five years. But what was the state of things? The right hon. Gentleman had very fairly informed the House, that many battalions in Canada were eleven, twelve, and even fourteen years out of the country, and some of those in India, seventeen, eighteen, and twenty years abroad. Exclusively of that, let the House observe the state of the battalions at home which were to relieve those abroad. At this moment there was not one out of the twenty, or twenty-one battalions in this country which had been in England more than four years. It was, therefore, almost impossible to afford the required relief to battalions upon foreign service; and he confessed he thought that this additional force of 5,000 was very useful in having enabled her Majesty's Government to bring home three or four battalions of the line. He also thought that the arrangement now existing, and which had been proposed by the Duke of Wellington in 1825, respecting the division of the battalions, was the most efficient that could be adopted. With regard to an increase of the black troops in the West Indies, as suggested by the noble Lord he (Sir H. Hardinge) conceived that to be a question which could not be fairly discussed in that House, a question not even for the Secretary-at-War or Commander-in-Chief, but for the Secretary of State for the Colonies, who alone could judge whether the state of the West Indian population was such as to enable us to have with safety a black corps in those colonies. It was a question which the Secretary for the Colonies would do well to take time to consider before he made up his mind upon it.

The House divided on the amendment:—Ayes 8; Noes 100: Majority 92.

List of the AYES.

Brotherton, J.
Duke, Sir J.
Hector, C. J.
Rundle, J.
Turner, W.
Vigors, N. A.
Warburton, H.
Williams, W.

TELLERS.
Hume, J.
Wallace, R.

List of the NOES.

Adam, Admiral
Aglionby, Major
Ainsworth, P.
Anson, hon. Col.
Archbold, R.
Bailey, J. jun.
Baring, rt. hon. F. T.
Barnard, E. G.
Barry, G. S.
Bentinck, Lord G.
Bewes, T.
Blair, J.
Boldero, H. G.
Bowes, J.
Bramston, T. W.
Briscoe, J. I.
Brownrigg, S.
Busfield, W.
Clay, W.
Clerk, Sir G.
Collier, J.
Collins, W.
Curry, Sergeant
Dalrymple, Sir A.
Darlington, Earl of
Davies, Col.
De Horsey, S. H.
Donkin, Sir R. S.
Douglas, Sir C. E.
Evans, W.
Fitzroy, Lord C.
Fort, J.
Gisborne, T.
Gordon, R.
Goulburn, rt. hon. H.
Greene, T.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Harcourt, G. G.
Hardinge, rt. hon. Sir H.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Herbert, hon. S.
Hill, Lord A. M. C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hollond, R.
Holmes, W.
Howard, hon. E. G. G.
Howard, P. H.
Howick, Visc.
Hutchins, E. J.
Jenkins, Sir R.
Kemble, H.
Labouchere, rt. hon. H
Lincoln, Earl of
Macaulay, rt. hn. T. B.
Marshall, W.
Maule, hon. F.
Morris, D.
Norreys, Lord
O'Connell, J.
Palmerston, Lord
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Peel, rt. hon. Sir R.
Perceval, Col.
Philips, M.
Pigot, D. R.
Rich, H.
Rickford, W.
Roche, W.
Round, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scarlett, hon. J. Y.
Seale, Sir J. H.
Seymour, Lord
Sharp, General
Smith, R. V.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stock, Dr.
Sutton, hn. J. H. T. M
Tancred, H. W.
Troubridge, Sir E. T.

Turner, E.
Vivian, Major C.
Vivian, rt. hon. Sir R.
Westenra, hon. J. C.
White, A.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Wood, Colonel
Wood, Colonel T.
Yates, J. A.

TELLERS.

Stanley, hon. E. J.
Tufnell, H.

Viscount *Howick* wished to ask the right hon. Gentleman, the President of the Board of Control, whether any change had yet been effected with reference to the pay of the British troops serving in India—he meant in regard to their pay being made in the currency of the country?

Sir *J. Hobhouse* had to state that no change had yet been made; but he was not, nor was the East India Company to blame that a change had not been effected. The East India Company, as well as the Government, were aware, that it was necessary to make an equalization of the pay of the troops in the different presidencies. At present the rate of pay was different in the Madras and Bombay presidencies from what it was in Bengal, and the company had been perfectly willing to equalize the rate of pay. That equalization would cost the company 45,000*l.* a-year; but, understanding that such a step was necessary, in order to prevent jealousy amongst the troops, they were prepared to send out a despatch authorizing the Government to give to the troops in Madras and Bombay the same pay as was enjoyed by the troops in Bengal.

Viscount *Howick* could assure the committee that he was unwilling to bring this subject under consideration at that time, but with the views which he entertained upon this question, he felt himself compelled to say a few words in reference to it. This was no question of an equalization of the rate of pay, and the point was, whether it was fair or just that the troops in India should be paid in rupees, calculated each at the value of 2*s.* 6*d.*, when in England the rupee was only credited to the soldier at the rate of 2*s.* The British officer serving in India was required to receive the rupee as equal to 2*s.* 6*d.*, and when it was sent to England, he received for it only 2*s.*, and often only 1*s.* 10*d.* Lord W. Bentinck had taken a great interest in this question, and had strongly condemned the injustice which was done to the British troops in India by the mode in which they were paid. That noble Lord had recorded his opinion, that the pay of the troops ought to be issued, not at the nominal, but at the intrinsic value of the rupee. Sir Charles Dalbiac had also informed him, in a letter which he held in his hand, that the army complained much of the injustice which was done them in this particular. He said, that the troops with which he went to India were paid at the full rate before leaving England, but when they arrived in India, they were paid in rupees valued at 2*s.* 6*d.* each. Loud complaints were in consequence made, and Sir Charles added, that this was the only occasion on which he felt himself in a situation in which no officer ought to be placed, because he knew the justice of those complaints, while he had not the power to afford them redress. Now, it appeared to him, that in justice to their gallant troops, who had ever distinguished themselves in whatever service they might have been engaged, this serious grievance ought to be redressed. They had lately voted the thanks of that House to the troops in India, and while the House had in this manner expressed its approbation of their gallant conduct, it was certainly their duty to see that justice was done them in a matter so seriously affecting their comforts. These troops had entered into a solemn contract to perform certain duties for a certain rate of pay, and as they were compelled to embark for India, and punished if they refused obedience, he thought it was absolutely incumbent on the House to see that justice was done to them, and that they received their pay according to the real value of the coin in which they were paid. Now, the real value of the rupee was not more, if sent to this country, than 2*s.*, while it was often less, and he therefore thought it was a very great hardship for the troops to be obliged to receive it at the nominal value of 2*s.* 6*d.* It seemed to him that the case was perfectly clear and simple, and it ought not to be confounded with the question as to allowances, from which it was perfectly distinct. Let the pay be issued according to the real value of the rupee, and having agreed to that, then let them make such alterations with respect to allowances as economy and justice might require. He felt strongly upon this subject, and as he had been unable to get any assurance from the right hon. Gentleman that a change would be effected, and as he saw no prospect of a change being made, he had felt himself bound to call upon the House to express its opinion on the question, for it was but just, when they required the services of the troops in India, that the House should insist on their receiving the full amount of pay to which they were fairly entitled.

Mr. *Macaulay* agreed with the noble Lord, that there had been a grievance in reference to this matter, of which the troops in India had a right to complain; but he thought the offer which had been made by the East India Company was a perfectly fair one. That offer was to this effect:—The grievance complained of affected only, he believed, the troops in the Madras and Bombay Presidencies; let them then see what the rate of pay was of a private soldier on any of the stations. A private soldier was allowed daily a ration of one pound of bread, and one pound of meat, and 7*d.* a day besides as pay. In Bengal, the soldier was allowed a ration of a pound of bread and a pound of meat, and 8½*d.* a day besides as pay, calculated at the false rate of exchange to which the noble Lord had alluded, and being really equal to 7*d.* a day. Besides that, there were other allowances to which the soldier in India was entitled. Now, the royal pay warrant sent out by the noble Lord himself gave the soldier 7*d.* a day and rations, and also an allowance of 1¼*d.* as spirit compensation. The soldier in India got more, in fact, than he had a right to by the royal pay warrant. There was, therefore, no reason to consider that in Bengal the soldier was worse off than in any other part of the world. He admitted that there was a grievance as to the difference of pay, and they were prepared to remedy it. The East India Company were prepared to put all the presidencies upon the same footing as Bengal, and to give the troops in India 7*d.* a day, and rations, besides the usual allowances and spirit compensation. He thought that proposal was a perfectly fair one, and he was ready to take his share in the responsibility which had been incurred by its proposal.

Sir *H. Hardinge* said he could hardly doubt, after the statement that had been made by the noble Lord, and right hon. Gentleman opposite, that up to a certain time there had been something wrong in the rate of payment of our Indian troops. He could not approve of fixing the value of the rupee at too high a mark. He hoped the House would see that this false standard of currency ought not to be continued; that it was wrong to compel the soldier to take the rupee at 2*s.* 6*d.*, when with everybody else it went only for 2*s.* The present arrangement pressed more hardly upon the officers, especially young officers purchasing commissions, than upon the privates, for these latter had advantages to counterbalance their loss which the former did not enjoy. He had no doubt that the East India Company acted liberally towards their soldiers; but though the right hon. Gentleman might tell him that the soldier received all that he was entitled to under the royal pay warrant, he could not think it a judicious arrangement to issue the pay at a fictitious value. All that he wanted was, that the soldier should not receive his allowance at a false denomination.

Viscount *Howick*, in reply, said that they ought to give the soldier his pay in the intrinsic value of the silver in which they paid him; although he hoped his right hon. Friend would not give up the system of regimental contract with which the soldiers were well pleased, in order, that a compensation might be made to the East India Company.

Sir *J. C. Hobhouse* said, that this was no new arrangement; it took place in 1792, and up to 1813, there was no difference between the real and the supposed value of the rupee; but the great change effected by the right hon. Gentleman's (Sir R. Peel's) bill, touched India as well as England, and down went the rupee as did everythihg else. The opinion of Lord William Bentinck had been referred to, but he would beg to refer to a despatch framed according to the proposition of that noble Lord, sent by the Board of Directors to the Governor-general of India, with the sanction of the Commander-in-chief. The conclusion of that despatch was to the effect that the object of transmitting it was to explain the incorrectness of the Governor-general's assertion that the King's soldier in India did not receive so much silver as he was entitled to by the warrant, for that, in fact, he received more. He contended, then, that the soldier in Bengal received actually a larger sum than he did under the warrant of his noble Friend. In the year 1798, a report had gone forth, through unofficial channels, that a change similar to that now suggested, was about to be made. What was the effect of that report? A mutiny, The soldiers stood to their arms, and for ten days resisted their officers, and although the Governor-general at last obtained the restoration of good order, it was only on his giving a promise that he would exert himself to procure the remedy of what they called their grievances. The Queen's troops in India, he contended, received greater advantages than in any of the other colonies, and he thought that this mode of payment was not to be complained of. If, however, this complaint was held by the House to be well founded he would ask, what was to become of the allowances which were made. The noble Lord said, that the effect of the change would be to raise the pay, but, he would ask, was the allowance to be increased in proportion? Such an argument could not for one moment prevail, because, if it were just that the pay and allowances should now be increased, what a cheat had been carried on since the year 1819. The arrears, too, must be paid, but their amount would be awful, and such as he should even doubt whether the East India Company could pay. Upon a due consideration of the whole question, he could not come to the conclusion at which the noble Lord had arrived. The soldier had received all that he was entitled to under the warrant, and he did not see that he had anything to complain of. There was no complaint in India, and he thought, that the strongest evidence which he could produce in opposition to this proposition was the opinion of the Governor-general of India, who spoke in the strongest terms, deprecating not only a change in the system, but even the agitation of the question.

Sir *H. Hardinge* again urged upon her Majesty's Government the propriety of coming to some settlement of this question the more especially after what had been urged by her Majesty's late Secretary at War.

Sir *R. Jenkins* said, that the noble Lord (Lord Howick) had sent out a warrant to India without consulting the Court of Directors, who at a subsequent period had unanimously objected to it. Their protest, bearing date the 2nd of December, 1837, directed the attention of the President of the Board of Control to this warrant, which had been despatched without the slightest communication with the directors; and the Court unanimously protested against the warrant, which would subject the troops of Bengal to a serious loss, would involve a dangerous change, and might produce the most disastrous consequences. The Court also wrote a letter to this effect, which formed the basis of a despatch. This proposal was to raise the allowances of the troops at Madras and Bombay to the standard which existed at Bengal. This despatch had been sent out fourteen months ago. The matter still remained unsettled; but it was no fault of the boards, who had done their duty. It, therefore, remained for her Majesty's Government and for the House to bring this matter to a termination. He believed that the rate existing at Bengal was considerably above anything to which the soldier was entitled under her Majesty's warrant, and left in favour of the soldier in the field the sum of 2½d. per day.

Sir *C. Grey* thought that the soldier in India ought to receive the intrinsic value of the coin in which he was paid, and that would remove all the discontent which existed. It was utterly impossible, however, in his opinion, for the Government to remove the difficulty occasioned by the fluctuation in the exchanges.

Viscount *Howick* said, that having already spoken, he should not think of detaining the House at any length, but it was impossible for him altogether to pass over what had fallen from the hon. Gentleman opposite, the Chairman of the East India Company. The hon. Gentleman had stated that he (Lord Howick) when he was Secretary-at-War, had been guilty of the gross impropriety of advising his late Majesty to make a change in the rate of payment of the troops in India, without communicating his intentions to the Board of Directors of the East India Company, and of transmitting a warrant to India in accordance with those views. Now, nothing could be so unfounded as that statement. When he came into office he found a warrant in preparation, which made no alteration in the rate of payment, and in 1837 that warrant was issued to the army in general, but it was not at once transmitted to India, because his right hon. Friend, the President of the Board of Control, called on him to withhold it for a time. It was, therefore, withheld, and it was not till some months afterwards, at his (Lord Howick's) suggestion, that no advantage whatever could be obtained by withholding it, as the question had already been canvassed in some military publications, that the warrant was sent to India. He, therefore, must say, that he was a good deal surprised that his right hon. Friend, the President of the Board of Control, should have alluded to that warrant. He would now only add, that, in his opinion, it was right to give the soldier his pay according to the intrinsic value of the silver which the rupee contained, and not according to its nominal value.

Sir *H. Hardinge* observed, that if a warrant were issued requiring the pay to be given in rupees, the soldier's permanent pay would be in silver, which would be subject to no fluctuation, and this would put an end to these unfortunate discussions, which would continue as long as the present grievance remained unredressed.

Sir. *J. Hobhouse* said, that the real facts of the case were these: the warrant of his noble Friend was made by inserting the words "soldier abroad" applicable to troops in India. He had at the time particularly impressed on his noble Friend the importance of his warrant not applying to India, and he pointed out to him that the use of the words "soldier abroad," as well as "soldier at home," must of course make the warrant applicable to India, and that whether the warrant were sent out officially to India or not. That warrant, was, however, sent out officially by his noble Friend to the Governor-General. The Court of Directors were not only not consulted by his noble Friend, but his noble Friend took the very course which they begged and implored of him, and he begged and implored of his noble Friend, not to take. He had therefore, acting under a sense of the responsibility belonging to his office, taken it upon himself, notwithstanding the warrant sent out by his noble Friend, to write to the Governor-General, telling him that it would not be desirable to act upon the warrant, as an amicable discussion upon the subject was going on very comfortably between him and his noble friend, which would no doubt terminate in a satisfactory manner. He also mentioned to his noble Friend at the head of the Government, that he could not continue to hold his present office unless some misconception on the part of the Secretary at War was removed. In that condition the matter now stood. The warrant had gone out, but it had not been acted upon, and he could only say now, that the despatch raising the pay of the troops in the Madras and Bombay Presidencies would, with the concurrence of his right hon. Friend the present Secretary at War, go out, he believed, in the course of a few days.

Viscount *Howick* asked if his right hon. Friend would undertake to say, in his place in that House, that the warrant which he had sent out contained one line that was not a consolidation of former warrants?

Sir *J. Hobhouse.*—The omission of the title in the schedule had settled the question in accordance with the opinion of his noble Friend.

Viscount *Howick* said, that this was too important a matter to be left in doubt, and therefore he hoped his right hon. Friend would give him a clear and explicit answer. Was he not stating the fact when he said that the warrant contained no reference to the rupee question? Was it not to this effect, that it merely made it clear that the troops when serving abroad without rations had a right to 1*s.*, and not to 8½*d.*; that it was not a new regulation, but a mere consolidation and explanation of former warrants. Was it not true that it made no change whatever in the regulations which existed before, but merely rendered them more intelligible?

Sir *J. C. Hobhouse.*—All he had affirmed was, that the omission before alluded to, of the schedule, had got rid of the difficulty, the question being in doubt before.

Sir *R. Peel* thought, that before anything was done in this matter it would be well to refer to the evidence which was given before the select committee on Indian affairs by several distinguished officers. It appeared that in 1824 a general order was given that the rupee should be valued comparatively with the sterling money of this country, at 2*s.* 6*d.* per rupee, at which it had been fixed in 1797. It would seem to be more analagous to sound principles that the rupee should be issued at its real value. At all events a very distinct, full, and intelligible explanation of the ground on which they were proceeding ought to be given.

Vote for the number of men agreed to.

House resumed.

HOUSE OF LORDS,

Tuesday, March 10, 1840.

MINUTES.] Bill. Read a first time:—Municipal Corporations (Ireland).

Petitions presented. By the Duke of Argyle, the Marquesses of Londonderry and Bute, the Earls of Galloway, and Aberdeen, from a number of places in Scotland, in favour of Non-Intrusion.—By the Earl of Clare, from Limerick, against the Importation of Foreign Flour into Ireland.—By the Earl of Clarendon, from Brookside, for the Repeal of the Corn-laws.

FROST, WILLIAMS AND JONES. NEWPORT PETITION.] Lord *Teynham* stated, that in consequence of what fell from the noble Marquess last night, on the subject of a petition presented by him from Newport, praying for the pardon of Frost and his companions, he felt called upon to make one or two observations. First, as to the population of Newport, he found that in the last population returns it was stated at only 7,000. With respect to the petition, he had been informed that it was signed by five persons who were or had been town-councillors of Newport: undoubtedly one of these persons was the uncle of John Frost, who had resided all his life at Newport, and who had retired from business with an unimpeachable character. It was true that he had been taken for looking out of the window of his house at the mob, but Government did not think it advisable to prosecute him. The petition was in a public situation in the town, so that every one who wished might sign it. He understood it was intended to call a public meeting of the inhabitants during the Easter week, in order to give every person an opportunity of expressing his opinion on the subject. He was sure, that if there were the least chance of mercy being extended to these unhappy individuals, their Lordships would be the last persons to make any opposition to it.

The Marquess of *Normanby* was sure their Lordships would think it quite unnecessary for him to add anything to what he said last night. The noble Lord must, he thought, be aware the petition did not, in any respect, merit the character he had given of it. He had no doubt been misled, and the petition would be regarded as coming from persons interested in the fate of those men; but it could never be considered as representing the feelings and opinions of the respectable inhabitants of Newport.

Subject at an end.

VACCINATION]. The Marquess of *Lansdowne* rose to call the attention of their Lordships to a petition of an unusual nature, from a body of persons who did not frequently appear as petitioners; the petitioners were a very large number of the medical profession, who were desirous of calling their Lordships' attention to a subject, not only interesting in every view of public utility and expediency, but also interesting to many of their Lordships in their private capacity, and as it affected their domestic feelings. It related to the present state of vaccination in this country, and though signed by only a few persons bearing office in the Medical Society of London, it expressed the opinion of not less than 1,200 medical practitioners, who were desirous of calling attention to the fact, that the small-pox, so far from having diminished of late years, had been on the increase; and were also desirous of stating to their Lordships the opinion which, after much deliberation, they had formed on the subject, that the increase was owing, on the one hand, to the imperfect state of vaccination in many parts of the country; and, secondly, that it had spread and increased through the perseverance of persons, not connected with the medical profession, and not entitled to act in a medical capacity, in the practice of inoculation. The petitioners also stated, as an important fact connected with the subject, that there was a perfect identity between vaccination and the small pox, although the symptoms were different; and this (as we understood) had been proved by the inoculation of a cow with various matter, and the result was all the appearance of the disease that resulted from vaccination. It had been made a subject of complaint, that although a person had been vaccinated, yet, after the lapse of several years, there might be an attack of small pox; but this was not the case, in nearly the same proportion there was not a second attack of small pox after inoculation. It was also undoubtedly true, that very few deaths resulted from small-pox, which was taken subsequent to vaccination, for the disease always then appeared in a very mitigated form. The petitioners, however, submit, that no conclusion can be drawn against the theory of vaccination, but they state, that the imperfect means of vaccinating adopted in this country, through the licence given to persons who are not capable of forming an opinion on the subject, has been attended with many increasing evils; and in those particular places in which no vaccination had been adopted, there had been thousands of deaths in the course of a few years; and there was one city in the south of England where no less than five hundred persons had died of the small-pox in one year. The petitioners did not wish that this evil should be remedied by having recourse to those rigorous measures or despotic proceedings, which had been had recourse to in some countries in Europe—namely, a positive prohibition to inoculate with variola matter, and that some penalties should be imposed on those who did not take care that their children were regularly vaccinated. They suggested, that the House should consider how far it would be proper to prohibit persons from inoculating for the small-pox, such persons not being members of the medical profession, and, therefore, not influenced by those considerations which impelled the latter to abstain from doing so. They also recommended, that a great number of persons should be employed in vaccinating the poor of the country. He need not tell their Lordships that it was the duty of the higher classes of society to discountenance any practice which might be found to be annually productive of a great amount of misery and disease, and this could effectually be done by promoting this easy and simple remedy, which was calculated to mitigate and remove one of the greatest pests that ever inflicted humanity.

Lord *Ellenborough* agreed with the noble Marquess, but suggested, that a short bill should be brought in, to enable poor-law guardians to make contracts for the vaccination of the poor. It was entirely a question of expense. Some medical gentleman vaccinated gratis for the poor; others, however, did not, and their charges were higher than those of the quacks who inoculated for the small-pox.

Lord *Colchester* observed, that he could testify that the poorer classes were not averse to vaccination, but the truth was, that they had not the means of getting it. In one district in Sussex, the board of guardians had provided the means of vaccination, and there had been no small-pox there at all.

The Marquess of *Normanby* considered the subject so important, that he would cause every inquiry to be made, whether the evil would not be remedied by the measure suggested by the noble Baron opposite, and thus the good practice encouraged and the bad discouraged.

Petition read and laid on the Table.

HOUSE OF COMMONS,

Tuesday, March 10, 1840.

MINUTES.] Bill. Read a second time:—Horse Racing.
Petitions presented. By Mr. Grote, from some place, for an Improved System of Banking.

BANKING ESTABLISHMENTS ISSUING NOTES.] The *Chancellor of the Exchequer* rose, for the purpose of moving for a committee, in the words of the notice which lay on the table of the House, that is, a committee to inquire into the effects produced on the circulation of the country by the various banking establishments issuing notes payable on demand. He trusted that in making that motion, he should not find it necessary to trouble the House with any lengthened statement; but he felt that this was a question of so much importance, that it would be disrespectful in him if he did not state to the House the grounds upon which he considered that he was justified in recommending the appointment of a committee, and why it was that he thought that the House would be justified in acceding to his proposition by the appointment of such a committee. At the same time he was anxious, as he understood that there had been some misconstruction as to the nature of the committee, and the inquiries he proposed it should undertake, to do away with any misunderstanding which might exist upon the subject. With regard, then, to the propriety of appointing a committee, the first thing to which he should call the attention of the House was, the position in which the Bank of England charter stood at the present moment. The House would recollect that when his noble Friend, Lord Spencer, had recommended the renewal of the Bank of England charter, which was carried in consequence of that recommendation, that at the same time there was expressly made this condition, that it should terminate in ten years, upon notice being given of the intention so to terminate it. Consequently this notice must be given in August, 1844. They must consider that then there would be a necessity for legislating on this subject; for they would observe that notice must be given by a resolution of that House; and therefore he apprehended that they ought not to postpone to the latest period an inquiry into the renewal of the Bank of England charter. The very latest period at which the House could enter into the inquiry was the year 1842. The House should also recollect that the Bank of Ireland charter was only now continued by an annual act. Lord Monteagle had, in the course of last year, brought in a bill, by which it was proposed that the charter of the Bank of Ireland should be continued for a certain time. The main object of the bill of his noble Friend was to make the duration of the Bank of Ireland charter co-terminous with that of the Bank of England, so that they might expire at the same time; and that a notice might be given to the Bank of England, as well as the Bank of Ireland, to have the whole subject inquired into, and the House would have brought before it the whole subject of the circulation of the country at the same time. He stated this, in order that the House might see that an inquiry of this nature would inevitably force itself upon their attention, so that they could not, in fact, avoid inquiring. By the present state of the law, they must speedily have an inquiry. But he could not conceive that it was possible for them to enter into a fair and proper inquiry with respect to the renewal of the Bank of England charter, without giving their attention to the whole of the subjects which he proposed to refer to the committee. It was not possible for them to decide a question of this nature by the mere consideration as to whether the Bank of England had exercised with discretion the powers vested in it—though that was a question of as much importance as could be well laid before them. But, even supposing that the Bank of England had exercised its powers with perfect discretion—and he gave no opinion on the point—still they had to come to much larger and much more important questions—whether the Bank of England's powers had been exercised for the public good? — whether the Bank of England should continue to have such powers? And, for the due consideration of these questions, their inquiries must be carried very far; for it was impossible to determine them without going into the whole subject, and taking a review not merely of the Bank of England, but of the whole of the paper circulation. His noble Friend, Lord Spencer, in appointing a committee, with respect to the renewal of the charter of the Bank of England, suggested other subjects for consideration, and they found, consequently, recommendations which had reference to other banking establishments. That, then, was one branch of the subject for which he considered it advisable that the House should appoint a committee—they ought now to appoint a committee to investigate a subject which must speedily come before the House. These, however, were not the only grounds upon which he proposed an investigation into this matter. He was not inclined to overrate the importance of the public feeling upon a matter of this nature; but, he must say, that it appeared, that the wishes of the country, and the general opinion that now prevailed—an opinion not confined to persons whose attention had been turned most to this subject, and whose opinions were, therefore, most worthy of consideration; but if the House examined into it they would find that the wishes of such persons, and the feeling of the public, were the same, and that there was a strong impression abroad that this question ought to come under the consideration of Parliament. He begged to assure hon. Members that in the course of what he had to say to the House, it was not his intention to enter into details of charges against one establishment or another establishment. He wished hon. Members in coming to this inquiry, to look at it in a fair and candid spirit, and to look solely into the result—to the advantage of the country. It was not his wish to attack one establishment or another establishment; but, of course, the committee must inquire into the effects of former transactions—not with an invidious intention, but with a view only of ascertaining facts and applying a remedy for evils. If they looked to that which might be considered as the means of ascertaining public opinion, they would find that whatever might be the opinions of different parties, whether they attributed the difficulties they had gone through either to the conduct of the Bank of England or of other banks, still they would find that there existed in the minds of the most intelligent and best informed parties a strong impression that the present system required revision and alteration. That was the general feeling of the country, and that feeling was mixed up with great anxiety. Since he had given notice of the present motion he had had more opportunities than had before presented themselves of estimating the anxiety of the country. This, then, was a fair ground for them, as representatives of the people, to act upon; it was for them, when the great interests of the country were considered to be involved, not to show themselves deaf to the wishes of the public so expressed, and when the public earnestly and anxiously turned their views to a subject, it was also expected that the House would direct its attention. He must say, that this expectation did not appear to him unreasonable. He did not then wish to enter into the history of former transactions. But let them look to what had happened since the renewal of the Bank charter under his noble Friend, Lord Spencer. Let them remember the difficulties and the misfortunes that marked the year 1836 and the year 1837—the ruin was then occasioned—the difficulties that involved the manufacturing interests, and the embarrassments to the commerce of the country; and then recollect that very soon after—within even two years—they were undergoing, not a crisis of the same difficulties, but a very severe pressure, from which he trusted they were now recovering, and of which he hoped, in a short time, they would no longer feel the effects. Yet, when he considered how rapidly these events had followed each other, he must say, that the feeling of the country was not at all unreasonable that the House should look to these events, and that it should show that it attached great weight to that feeling and attended to it, by the appointment of a committee such as he had moved for. He would, in addition, state another reason why the selection of the present time for inquiry appeared to him to be proper. He might be wrong in his apprehension of this subject, but as far as he could judge of the temper with which the public would approach this question, he must say that he never remembered a time in which he thought it would be approached in a more fair or more candid spirit than the present. The House was aware of all the difficulties that were felt, and of all the inconveniencies that were endured; and yet the House was approached with petitions from the most important bodies in the largest of our manufacturing towns. Those bodies, couched in calm and temperate language, requested the House to inquire—they made complaints—they stated to the House the difficulties under which they laboured, and they expressed their anxiety, the House should institute an investigation into their complaints, and they looked to that House for adequate remedies. It would, then, be wise on the part of the Legislature to take up the inquiry at a moment when they found the public in this temper. If they left it untouched for a longer period, they would probably find themselves involved in the mutual attacks, and recriminations of the different parties, they would find it difficult in such a state of things to carry any measure, and embarrassments and impediments would surround them and increase upon their hands on all sides; whereas if they took it up at a moment when the public were anxiously looking to them to interfere; if they consented not to abandon those functions which it was their duty to exercise, then he believed the public would look with anxiety for their councils, and be disposed willingly to receive their suggestions. Perhaps many hon. Gentlemen might think it unnecessary for him to make these observations in moving for the committee at this time. He did so, because he felt it to be a subject of very great interest, although some might suppose an inconvenient subject for the Government to enter upon. Whatever might be the feeling of others, he did not hesitate in bringing forward the motion for a committee. He did so, because he thought it was a subject of such very great importance, and it was one in which, after all, they must remember, the interests, not of a few, but the public in general were most deeply involved. It was in vain to expect, that hon. Gentlemen called upon to legislate upon this most important question, could be supposed qualified to do so without inquiry, without ascertaining the opinions of those who had given great attention to the matter—without the advantage of hearing and considering conflicting opinions in the committee, and without the examination of parties who had given mature consideration to the subject. It was impossible, without such an inquiry, to ascertain what was necessary, or to pursue the right course. He wished them likewise to look to what happened formerly, in consequence of inquiries similar to that which he now proposed. If they looked into the history of those reports, they would find that there was no subject from which more benefit had arisen to the public mind, than from inquiries of committees of Houses of Commons on this subject. This was a subject to which a very intelligent gentleman (Mr. Loyd) had alluded in one of his publications, and he believed, that with regard to questions of this nature, and the inquiries instituted into them by the Houses of Commons, they would be found to act, and were reacted upon by public opinion. This showed, that though not immediately successful, yet they ultimately carried with them public opinion, and directed it in the course of its efforts. He should have thought it almost unnecessary to give an explanation as to the nature of the inquiry which he intended to propose; but that he had found that there was an impression in certain quarters, that his inquiries were to be specifically directed to the working of private banks, excluding the Bank of England. He thought, that the words of his motion were sufficiently explicit; but as there was an impression in those quarters to which he had referred, he thought it right to refer to it. He had no intention to ask for a committee with a view to attack any particular party whatever. It was his anxious wish so to frame the words of his motion, as to show his desire to make the inquiry general, that it should be an inquiry into the system, and not against particular parties. It was not pointed against the Bank, or joint-stock banks, or private banks of issue. But, he was told, that there was to be no inquiry into the Bank of England! Certainly an inquiry into paper circulation, and banks of issue, without an inquiry into the Bank of England, would be an inquiry something like the play of *Hamlet* with the part of *Hamlet* left out. They were aware of the great privileges granted to the Bank. Now, an inquiry into the paper circulation, without looking to the effects of the privileges enjoyed by that body, was a matter which had never entered into his contemplation. He should be unwilling to preclude the committee from entering into an inquiry necessary to the object of his motion. Undoubtedly it appeared to him, that with respect to the Bank of England, there were many points connected with it which would come under the consideration of the committee. There were many points which were connected with the charter, which properly would come under the attention of the committee; one was the principle which the Bank had adopted to regulate the circulation were correct, and whether that principle had been adhered to; whether the system of branch banks ought to be continued; whether the arrangements made in the banks of issue in connection with it, should be persevered in; these were questions of considerable importance, and which must be looked to in connection with the Bank of England. There was another point—the publication of the liabilities and assets of the Bank of England—a point which was much discussed at the time of granting the charter, when much alarm was expressed as to the consequences of letting the public into the secrets of the Bank. They had now some experience upon this point, and they had the means of coming to a decision as to whether the advantages expected from that change had been derived from it, or whether the alarms expressed respecting it were well-founded. These were points which he adverted to, as some, amongst others, that must come under the consideration of the committee. But there was a much more important question, and a still much more important principle to be determined by the committee. The question to which their attention ought to be especially called was as to the existence of a bank having any particular privileges—whether the existence of that bank was right or proper—whether it would not be more advisable to introduce the system called free banking; whether, if they conceded that a bank ought to exist, sufficient powers had been given to it to perform those functions which they expected a bank to perform. And then again there was the question, whether it were advisable at the present moment, to reconstruct the whole system and have but one bank of issue. These were questions which would be agitated in the committee. To these questions the committee would turn its most serious attention. He was well aware that they must give their consideration to this subject; but the House would recollect that the question was forced upon them, and before long they must consider it, whether they would or not. It appeared to him, that in entering upon this inquiry, they would do so fully determined fairly to consider the subject, and obtain upon it the best information that they could, in order that they might themselves be fully informed, and the public also might be fully informed upon it, before they were called upon to legislate on a subject in which were involved the interests and the security of almost every man in the country. There was one other point to which it was necessary for him to allude before he placed his motion in the hands of the Speaker—he meant the Bank of Ireland. The House would recollect that, when his noble Friend (Lord Monteagle) introduced the Bill last Session, relating to the Bank of Ireland, he did not propose to continue for a long period the charter of the Bank of Ireland, but only for such time as, on inquiry, a decision might be come to with respect to the Bank of England. Now, he must say, that, if he were called upon at the present moment to bring in a bill, it certainly would be one on the same principle as that which was brought in by Lord Monteagle. At the same time it appeared to him that there would be much inconsistency in binding the hands of Parliament for four years in regard to the Bank of Ireland, at the very time when they were about entering upon an inquiry upon the whole subject of banking. He should, therefore, not bring in any bill on this subject at the present moment, but wait until he had obtained from the committee some expression of opinion as to what course it would be right to pursue in regard to it. Some measure of the kind must be introduced before the end of the present Session, and he was anxious not to do anything on the subject which might be opposite to any views which the committee might entertain in regard to it. With this brief explanation of the objects which he had in view, he should now content himself with submitting his motion to the House, trusting, that the House would not object to the appointment of the committee for which he was about to move. The right hon. Gentleman moved that a committee be appointed to inquire into the effects produced on the circulation of the country by the various banking establishments issuing notes payable on demand.

Mr. *Gisborne* did not rise to object to the present motion, but to suggest that the Chancellor of the Exchequer had not stated any reason why the inquiry proposed to be instituted should not apply to all banking establishments, whether issuing notes payable on demand or not. He did not see why joint stock banks not issuing their own notes should not be equally subject to inquiry; for it was quite a mistake to suppose that because they did not issue notes these establishments produced no effect upon the circulation of the country. It was scarcely possible to refer to the various existing bargains between the Bank of England and joint stock banks, by which the latter were accomodated with certain advances, upon condition of their not issuing their own notes, without coming to the necessary conclusion that the existence of these establishments must produce a very great effect upon the circulation of the country, by the discounting transactions which they were enabled to enter upon. The consequence of these bargains was, that when gold was plentiful, the joint-stock banks had no occasion to go to the Bank of England for a supply; but, on the other hand, when the supply of gold was small, and when interest was high, these joint-stock banks had an immediate inducement to go to the Bank, and that at a most inconvenient moment, and obtain from it the whole amount for which they had bargained. The inducement was evident at once, because as they only paid the Bank three per cent, and gave it out to their customers at five or six per cent. they had a clear profit of two to three per cent. upon the amount. This system acted further very materially upon the circulation of the country by the bills which these banks were the means of bringing into the market, and he thought it would be found upon inquiry, that the banks of non-issue were far more improvident on the whole than others. He for one, from being a shareholder in a large banking establishment which did not issue its own notes, could speak from experience upon this point; and he could state that this bank had lost no less than half a million of money by bad debts. They had advanced to one firm alone to the extent of 350,000*l.*—a firm also which never had property in any shape to the extent of more than 40,000*l.* or 50,000*l.* He wanted to know, then, whilst these facts existed, why these non-issuing banks should be left out of the inquiry, and why it should not rather extend to the operations of banking generally throughout the country? There was another point to which he could not but refer. In the Bank Charter Act was a clause restricting all banks having more than six partners from accepting bills having more than six months to run. This was a point which amongst others he thought it would be well to inquire into. He should therefore suggest to the Chancellor of the Exchequer, that if he were to word his motion more generally—for instance, to "inquire into the operation of the system of banking in the United Kingdom, as by law established"—it would let in no questions which it would not be desirable to inquire into, and avoid casting out something of an imputation that banks which did issue notes were worse conducted than those which did not, and would bring the whole subject and the great object they had in view more completely before them than the motion proposed by the right hon. Gentleman. He hoped also that upon the committee would be appointed gentlemen of a sufficient variety of sentiments respecting this subject to ensure a fair and full inquiry. This had not been the case on former occasions, when the great majority of gentlemen had been appointed on account of their known and expressed sentiments on the subject. This was an error which he hoped would not be followed in the present instance.

Mr. *J. Ellis* did not wish to oppose the motion of the right hon. Gentleman; but with regard to what he had said on the subject of the Bank of Ireland, he must beg to make one observation. He understood the right hon. Gentleman to say, with regard to the Bank of Ireland, that if he were left to himself, he should be inclined to renew the measure last year brought in by the then Chancellor of the Exchequer (now Lord Monteagle), but that he should take advantage of the inquiries of the committee, which he was now about to appoint, and regulate his future conduct on this subject by such information as he might derive therefrom. Now, this was a course of proceeding against which he must protest, because he thought that it was not right that a committee should be made to discharge the duties of a Chancellor of the Exchequer.

Mr. *Hume* thought, that the objection of his hon. Friend, the Member for Carlow, as to the restricted nature of the proposed inquiry was a groundless one, so far as the matters went to which his hon. Friend had referred. He apprehended from the wording of the motion, that all the topics referred to by his hon. Friend would be open to the inquiry of the committee. He apprehended, however, that one of the principal objects in proposing an inquiry of this sort would be, to put an end to that ever-varying state of currency which existed, owing to the particular condition of establishments having power to issue paper in lieu of money. But there was this additional consideration, which he thought the committee should inquire into, namely, whether our currency was a correct one or not. So important were these points, as relating to the subject of banking, that if the committee were not to be at liberty to go into them, he feared their labours would be in a great degree useless. He certainly entertained a different opinion now from that which he had entertained some years ago on our present currency system, composed as it was of metal and paper. He would mention this strong fact, in illustration of this point. Since the year 1791, when a metallic currency was fixed in France, there had been very little variation in the exchanges in that country. In proportion as the Bank of France endeavoured to force the circulation of its paper, it found that it was not liked; so much so, that in the provinces, their notes were never met with of less amount than 250 francs, and generally not less than 500 francs; and then there was little favour shown them. So completely were the French people satisfied with their metallic currency, and so little doubt or dispute existed on the subject, that he was informed that since the year 1791, up to last year, there had not been published more than five pamphlets on the subject of currency. So different was the state of the public mind in England on the subject of their currency, that he had been informed, that Mr. Richardson, the bookseller, of Cornhill, had printed and sold no less than 2,000 pamphlets on the currency question within the last two years and a half. He had been informed that that was the fact; two thousand different publications on the subject of the currency in the course of two years and a half! Why, there was scarcely a morning in the year when they did not see or receive new papers or publications on the subject. He was one who believed, that the basis on which our circulating medium was founded was not a correct one, and he wished to know whether the Chancellor of the Exchequer considered that the committee would be at liberty to make inquiry upon this part of the subject, which he thought was a most important one? His hon. Friend near him asked whether he meant to adopt "the little shilling?" He had certainly no such intention. Though he thought silver might be made a joint tender with gold, he was so far from wishing to clip the King's money, as the common saying was, that he had uniformly contended against it. He would say further; he was almost a convert to having nothing but a metallic currency. He said this from a consideration of the disastrous occurrences of the years 1825 and 1826, and of 1836 and 1837, when fifty millions of property was lost in the country, by circumstances which the parties who suffered were not able to control. He thought, therefore, that it would be but fair to the country, and particularly to the masses of the people who were peculiarly affected by disasters of this kind, to inquire how far it would be desirable to introduce a metallic currency. It was for want of something of this sort that all previous inquiries on the subject of banking had led to little or no useful result. He would wish, therefore, that the Chancellor of the Exchequer would state whether he intended to include this branch of the subject in the inquiry he now proposed.

Mr. *Grote* perfectly agreed with the right hon. Gentleman as to the importance to the nation of inquiries upon subjects of this nature at all times and under all circumstances; he agreed also, that at the present moment there were circumstances which would give it peculiar interest and importance. They had just escaped a serious crisis of the monetary system, and he was sure that Gentlemen who had attended to what had taken place last year, would own, that if the causes of the decline of our foreign trade had been a little more aggravated during that period, the consequence to the country would have been very serious. He could not think that it would be advisable to introduce into this inquiry the question of the basis of the currency, for he was sure no man would look at the announcement of such an inquiry being entered upon without attaching to it a much larger and more critical importance than was attached to it by his hon. Friend himself. His hon. Friend had compared the results of the several systems of England and France in a way which he thought did not necessarily elicit the fact of the superiority of the latter. He said, that there had been no pamphlets published in France on the subject of the currency, but that there had been a great number in England. He had good reason to believe, that many Gentlemen had given their attention to this subject, and that many valuable suggestions had been made by them, an advantage from which the French public had been debarred. It was not his intention to make any elaborate or exclusive observations upon the state of the currency, for he did not think that the appointment of this Committee was the proper occasion to do so; but he thought, that considerable benefit would result from the appointment of this Committee, if only from the accurate information which it would be the means of eliciting on the position in which the Bank of England and the joint-stock banks, really stood. There were scarcely ten Gentlemen who were agreed as to what the Bank of England ought to do with regard to the regulation of the currency. The Bank was, therefore, called upon to regulate the currency, without having any system given it as a guide; and in many respects the results of which complaints were made, were not in any way owing to any mismanagement of their own. He thought, that if the Bank of England were found open to some censure, it would also by this enquiry be rescued from a great deal of undeserved complaint, and that it would be found, that a great portion of our monetary difficulties had not been of their creation, though earlier and more prudential precautions on their part might have lightened them. But if Gentlemen were bound to explain what they meant by the Bank of England regulating the currency, that being understood, and that duty being imposed upon the Bank of England, they would be able to avoid for the future much of that vague declamation against it as body of monopolists, by which the true merits of this question had been too often deviated from. There was another point also to which he thought some attention ought to be paid—namely, the magnitude of the Bank reserves of bullion. It appeared, that each Gentleman had an imaginary standard of his own of what he thought the amount of bullion reserved ought to be; and yet no attempts had been made to define clearly what proportion ought to exist between the liabilities and the reserves, so as to enable the public to form an intelligible opinion on the matter. The country bankers were compelled to regulate their conduct by the conduct of the Bank of England as to the supply of currency; and unless some definite understanding were come to as to the principles upon which the Bank of England itself ought to act in this matter, it would be impossible to expect any stability of system in the result. There were other points to which the Committee should direct its attention, with a view to giving a decided opinion; as for instance, as to what extent the Bank of England would be justified in administering the currency with a view to the support and protection of trade; enlarging the currency not according to the rules of proportion between the bullion and reserves, but as the means of preserving extensive commercial engagements from distress and ruin. He would not go into this point now; but it was one which he thought the Committee should give its attention to, in order to give the public an intimation of the rules which should guide the Bank of England in future occasions of the kind. His hon. Friend complained, that the previous Committees appointed on joint stock banks had led to no results. He did not think that this complaint was borne out by the fact. It was in 1832, under Lord Althorp, that the Committee on the Bank of England was appointed, and since that period a better system had been adopted for the management of the Bank of England than had ever existed before. On this occasion it was determined that the affairs of the Bank of England ought to be managed on a system, and their attention was directed to what that system should be. The publication of the Bank returns was one very material point effected on that occasion. With respect to the Committee now about to be appointed, he apprehended that a great number of documents would be laid before them, which would afford them the means of refuting many public errors, and eliciting many important truths on the subject of banking. There was another point to which attention should be directed—namely, the propriety of combining or separating the issues and deposits. This was too large a question to enter upon it at present; but it was one deserving of great attention, and no doubt many arguments might be adduced on the subject. He thought, whatever was done in these matters, it would be done much more satisfactorily from being the result of an inquiry like this than otherwise. He was glad that this inquiry was not to be directed either against the Bank of England, or the joint-stock banks, or the private banks. He was satisfied, that much information would be illicited from which all parties would derive much advantage. He should therefore be very glad to lend his support to the right hon. Gentleman in voting for this Committee, and he hoped it would be conducted in that fair, full, and candid spirit, which the right hon. Gentleman had prescribed.

Mr. *M. Attwood* adverted to the want of uniformity which existed in banking transactions in different parts of the kingdom. In the county of Norfolk, of the paper in circulation nine-tenths was payable on demand, and one-tenth not payable on demand; whilst in Lanarkshire the very reverse was the case, only one-tenth being payable on demand, and nine-tenths not. He considered that every banking operation more or less affected the currency of the country. It was said, that the fluctuations in the currency arose from the importation of foreign corn. This assertion might be made with some show of reason as to the panic of 1839, but how was it justified by that of 1836? There was something radically wrong in our whole system. The right hon. Gentleman, the Chancellor of the Exchequer, should not include a great many subjects in his motion for a Committee, and abstain from giving any opinion himself on the subject of the currency. What the people of this country wanted was, a government which would pledge itself to carry forward some measure which would prevent the ruinous fluctuations which had taken place of late years.

Mr. *Clay* thought the question before the House was, whether the monetary system was a fit subject to be referred to the consideration of a Committee. The appointment of a Committee was strictly in conformity with precedent. All the great alterations that had been made on this subject were preceded by inquiries. A Committee was appointed in 1810, another in 1819, another in 1826, and another in 1832, which preceded the renewal of the Bank of England Charter. He thought the Legislature was right in the course they adopted on those occasions, because if there was one subject more than another on which it was desirable they should carry public opinion with them, in their legislation, it was the monetary system. Although public opinion had for the last few years taken a right direction upon this question, yet he did not think there was such a concurrence of opinion, that the public were prepared to agree in the propriety of some legislative measure without previous inquiry. The hon. Gentleman who had last spoken, had said that the monetary system was radically bad. That was owing to the difficulty of solving the problem of regulating the paper, and metallic currency. That problem had been experimented upon for thirty years by two of the most enlightened nations in the world, but they had not been able to arrive at any satisfactory conclusion. He for one, humble as he was, would not withhold his approbation from the measure introduced in 1819, by the right hon. Baronet, the Member for Tamworth, upon the currency. He had never heard anything like an argument against the principle of that measure. But it was supposed that after the passing of that bill the same fluctuations to which the country had been exposed would not be experienced again. In 1825 however, a crisis occurred more violent than the monetary system had ever before experienced. It was attempted to meet that in 1826 by a final suppression of the small note circulation, and the establishment of Joint Stock Banks; but in 1837 there was another crisis in our monetary system, and they all knew there was a crisis in 1839. It was clear, therefore, that after some twenty or thirty years of experiment —it was acknowledged by universal consent, that the great problem to which he had alluded had not been solved. The hon. Member for Carlow had said that non-issuing banks ought to have been included in the terms of the motion for the Committee. He (Mr. Clay) thought that for all the useful purposes which his hon. Friend had in view, that subject would fall within the scope of the inquiry. It was intended to refer the Reports of the Committee on Joint Stock Banks to the Committee about to be appointed, and his right hon. Friend the Chancellor of the Exchequer, had stated that it was his intention to direct inquiries to be made into the transactions of the Bank of England with the non-issuing banks, so that would involve an inquiry into the subject to which his right hon. Friend, the Member for Carlow had alluded. His hon. Friend the Member for London had alluded to the inquiry, and complained that it had led to no result; but the labours of that Committee had not been thrown away —it had made a collection of, and put upon record, some most important facts. Inquiry was absolutely necessary, for by a decision given about two months ago in a court of law, the public had absolutely no protection against Joint Stock Banks. The judges had there laid it down, that a judgment obtained against the person who was to sue and be sued, would not be effective against the proprietors of a Joint-stock bank of which he was the officer; but that a party complaining must commence his action against all the parties in the Bank. This now amounted to a denial of justice. The motion of his right hon. Friend he thought was quite comprehensive enough, and would do great good.

Sir *R. Peel* said, it was far easier to talk of a full and comprehensive inquiry than to secure it. He could easily conceive a full and comprehensive inquiry being entered upon without the slightest practical benefit. It was quite possible to encumber such an investigation, with details, in a way to render it perfectly useless. He thought the Committee ought to be appointed, but that they should propose for themselves some definite subject of inquiry, such as this, for instance—when the Bank Charter expired, what regulations should Parliament adopt with regard to the circulation? And it was quite evident that there were certain leading considerations which ought to decide this question. It was very important, for example, to know when the report of the Committee of 1832 determined that the capital of the bank should consist of three kinds, two of securities, and one of bullion—why this system was departed from. But if they submitted a number of subjects at once to the consideration of the Committee, in the firs place the attendance would soon become limited, and then there would be nothing but confusion, embarrassment, and uncertainty in their decisions. What was the use of ascertaining how this joint-stock bank or that was conducted? Let them limit their inquiry to the question whether there should be a limited responsibility attached to such banks, and let them make their report on that point. He did not think that Parliament could consent to an inquiry which had the currency for its basis, without leading many to suppose that the maintenance of the present system was no longer to be observed; and, he for one, declared that, however plausible might be the reasons for entering upon such an investigation, Parliament had conclusively determined on a metallic currency, and on the present standard of value. The hon. Member for Kilkenny had hinted at the propriety of banishing paper from the circulation. He could understand the extinction of one pound or five pound notes, but he did not see how paper could be excluded completely without destroying credit altogether. This could not be done without reverting to the principles of the barbarous ages, and establishing a state of barter. He doubted whether it would not be better to extend the power of the Committee as occasions arose, than that they should be called upon in the first instance to enter upon such an extensive and complicated investigation as was beyond human labour. There was no doubt that one of the first questions which must come before the Committee was the distinction between the functions of a bank of issue and one of deposit, and the sooner they addressed themselves to it the better. He would much rather that the Government, on its own responsibility, and with its own means of observation, should undertake the settlement of this question than involve a Committee in inquiries directed to no practical result.

Mr. *Charles Wood* said, that he thought the right hon. Baronet (Sir R. Peel) had misunderstood the hon. Member for Kilkenny, when he supposed him to have recommended the suppression of all promissory notes. All that he had understood the hon. Member to recommend was the introduction of a larger quantity of metallic money into our circulation, as was the case in France, to the extent perhaps of putting down *5l.* or 10*l.* notes. He did not agree with the hon. Member, for he thought that it would be impossible, in this commercial country, to carry on the ordinary business without the accommodation of these notes; but clearly such an object was within the scope of the inquiry moved for by his right hon. Friend, the Chancellor of the Exchequer. He agreed with the hon. Member for the Tower Hamlets, that almost all improvements in our currency had been preceded by parliamentary inquiry; and he was surprised to hear the hon. Member for Whitehaven say that a committee was unnecessary, and call upon his right hon. Friend to legislate at once. He agreed with the right hon. Baronet (Sir R. Peel) that the inquiry ought to be limited within reasonable bounds, and to practical objects; for such an inquiry as some Gentlemen seemed to contemplate would never be brought to a conclusion. He thought that the opinions contained in some of the pamphlets referred to by the hon. Member for Kilkenny, opinions held by persons of the greatest authority upon questions of this description, and yet most inconsistent and contradictory, did afford strong ground for inquiry. That the recent speculations and subsequent distress have been caused by the issues of the Bank of England—that they have been caused by the issues of the country banks in spite of the Bank of England—that the Bank has a perfect control over the issues of private banks—that they issue their notes without any regard to it—that the fluctuations in the amount of our circulation have arisen entirely from the defective system of the Bank of England—and that they would have been greater, if the circulation had varied exactly as a metallic currency would have done were opinions the most contradictory; but they were, nevertheless, maintained by persons to whom the House and the country looked up on these subjects. The information we possessed was insufficient to form a decisive opinion upon. It was evident that average returns of the amount of circulation for periods of three months, did not give an accurate indication of its increase or decrease. It might gradually increase for three months, and if for the next three months, it gradually decreased to the point from which it had risen; the average returns would show an uniform amount through the whole period. The right hon. Baronet (Sir R. Peel) had referred to the rule of the Bank as laid down in 1832, of keeping their securities even in amount. It was evident from the most cursory inspection of the returns that they had not done so. They had deviated to a great extent. He did not mean to say that they had been wrong; but he did say with the right hon. Baronet, that this was a proper subject for inquiry. The explanation put forward by one of the most eminent Bank directors of the increase of securities in the autumn of 1835 rendered this inquiry more requisite. What was that explanation? That, in order to form a just opinion of the conduct of the Bank, it was necessary to make a distinction in the deposits and securities, which distinction did not appear in the returns. The returns, therefore, did not afford adequate information. The increase in 1835 was attributed to *extra* deposits; but a similar increase took place in the autumn of 1836, and it was impossible to say, from the returns, whether this was in the ordinary course of the working of the Bank, or was owing to some extraordinary cause. He meant to impute no blame to any body, Bank of England or private banks; but he thought good ground for inquiry was made out. Principles could not be tested in ordinary and quiet times. It was in extraordinary times, that the applicability of rules and their value became known. The few last years were most eventful in every view connected with our circulation; and it was impossible but that much light must be thrown upon the subject from a careful examination of what has taken place during that period. He believed that great advantage would be derived from such an investigation. The Bank would be relieved from much of the absurd accusation now directed against it; and the country bankers would obtain a better guide, if they could be said to follow any guide at present, for their conduct. Additional information and of the most valuable description would be gained upon the question. It had been so in all former committees. The first was the Bullion Committee of 1810. At that time the Bank directors held a doctrine as to their issues, which though it happened to produce no harm, might have led to most mischievous consequences, if pushed to the extent professed by them. In 1819, they resolved that the foreign exchanges had nothing to do with their issues. In 1827, they rescinded that resolution. In 1832, they adopted the rule alluded to by the right hon. Baronet (Sir R. Peel) which was highly approved at the time. Subsequent experience had sh wn that rule to be impossible in practice; and he believed it to be defective in theory. Judging them from the past, he could not but anticipate further improvement from the proposed inquiry. These advantages would be gained under all circumstances, but it was impossible to shut our eyes to the possibility of still more extensive changes in the system of our currency. Some Gentlemen advocated perfectly free trade in banking, checked only by convertibility. Others would maintain one bank of issue; and even render what the hon. Member for Kilkenny attacked as the monopoly of the Bank, still more stringent, on the ground, of which the force must be admitted that it was absurd to expect from the directors a steady regulation of the currency, unless they were invested with adequate power for the purpose. These questions might seriously involve existing interests; but they were great and important questions in which every member of the community was deeply interested; and they must be kept in mind by every Member of the committee. For their selection much patient inquiry would be required, and the application of sound and enlightened principles to the facts which might be elicited by the inquiry.

Mr. *Hawes* hoped the inquiry would be of a thoroughly practical character. He thought the tendency of the speech of the right hon. Baronet the Member for Tamworth, and the words of the right hon. the Chancellor of the Exchequer's motion, had a tendency to limit the inquiry within too narrow a compass. It seemed impossible to shut out from an inquiry of this nature all consideration of the general question of the currency, and one or two collateral points. He was inclined to regret that the information already obtained had not been thought sufficient to justify legislation. Perhaps, however, the inconvenience of further delay might be well purchased by the result.

Mr. *Hume* explained. The right hon. Baronet had misunderstood him in supposing that he wished to return to a metallic currency. He certainly desired that they should approach nearer to a bullion currency than they were at present, but under the existing circumstances of the country he never meant that they should return to an entirely metallic currency.

Sir *John Rae Reid* said, he should not have addressed the House, had it not been for certain observations that had been thrown out with regard to the jealousy of the Bank of England. Now he begged to say, that the Bank had no jealousy whatever of joint-stock banks; and he would take the opportunity of saying that, as far as the Bank was concerned, they had no objection to inquiry. He felt satisfied that the public would afterwards be more satisfied than they at present seemed to be with the conduct of the Bank of England.

Mr. *Slaney* trusted that the committee would take care that good security should be given that the notes issued by the banks that were thus to have the privilege of coining money—for he could scarcely give it any other name—should be good and genuine. He congratulated the House on the appointment of the committee, but he decidedly thought some guarantee should be given that the notes issued should be good. How were the public to know whether a note was worth 20*s*. or 2*s*.?

Lord *Sandon* observed, that the receivers of notes were not the sufferers, but the shareholders.

The *Chancellor of the Exchequer* said, that with respect to the remarks of the hon. Member for Kilkenny, he thought that the object of the hon. Member would be answered by the words of the motion. He would not open the question of the abolition of bank notes. The suggestions of the right hon. Baronet the Member for Tamworth were worthy of consideration.

Motion agreed to.

FROST, WILLIAMS, AND JONES.] Mr. *Leader* said, that in the present state of the House he should make his statement as short as possible. He was induced to trespass on the House on the present occasion, not on account of the prisoners, not on account of any sympathy he felt for the act of which they were convicted, not from the merits of the case, or that he thought they did not deserve punishment, but because he thought the law had been strained against the prisoners. There had been a doubt, and it was the opinion of nine-tenths of the people of this country, that wherever there was a doubt it should be interpreted in favour of the prisoner. There was a very strong feeling in the country on the subject, and he need not inform the House there had been more petitions presented on this subject than on many others. He had procured from the Journal Office the number of petitions and signatures on this subject, and he found the number of petitions up to the present time exceeded 100, and the signatures 120,000, and the House must bear in mind nearly half the petitions were signed by Chairmen on behalf of great public meetings, and there was therefore a very strong feeling throughout the country on this subject; not, he was aware, among the upper or perhaps the middle classes, but among the working classes there was as strong feeling on this subject as upon any question that had agitated them for some time. It was not that they sympathised with Frost, or wished that *he* had succeeded in his attempt, but because, as was invariably stated in the petitions, they believed the law had been strained against the prisoners, and that they had not had justice done to them. He would not argue this case as a lawyer, nor set up his opinion against that of the legal Gentlemen; but he said it was a case that might be argued by any man of common sense; and that any Member of the House was just as capable of forming an opinion on the subject, as any lawyer in the land. He did not address the House merely with reference to the prisoners concerned, but on the broad constitutional ground of having the law strictly, fairly, and equitably administered in all cases as written and laid down, not as merely stated by judges, called on to give an opinion, and not in this particular case to try the parties. In the first place, it was part of the law of treason, which had been neglected in this instance, that a list of the jurors and witnesses should be delivered at the same time, at a certain period before the trial. This law had not been complied with, and it was asked what did it signify? They were told it was merely a frivolous objection, and ought not to be entertained for a moment; and he believed the Attorney-general had treated the subject with perfect contempt, and said that he would soon get rid of it. Now, in the case of treason, the law was made chiefly for the protection of the subject against the acts of an arbitrary or despotic Government, and the law of treason ought in all points to be literally and strictly interpreted; and if all those regulations which were enacted for their defence, were not strictly adhered to, the whole law might be frittered away, and the subjects would be at the mercy of the Government. He would ask any Member of the Government what he would say, if, in a case affecting the revenue laws, where it was often argued, a man had not complied with some very minute regulation, that such an excuse was never allowed, for if it were, the law would become useless, and it would be impossible to get any convictions; and just so in this case, unless they gave the prisoner every benefit of the law of treason—unless they obliged the law officers to comply with all its enactments, they would soon have a judge-made law, by which any man against whom the Government might have a dislike, might be found guilty by the law of treason. It was not denied that the copy of the indictment, and the list of witnesses, was not delivered simultaneously, and nine out of the fifteen judges allowed that the objection was valid, but said that it was not taken in time. Oh, but it was said, what did it signify? the effect would only have been to have postponed the trial for ten days, and this argument was allowed in a case where men's lives and property were at stake. Was he to be told it was no difference to a man to be tried ten days before he ought for high treason in times of excitement? The country might be under much less excitement on the 20th than on the 10th of the month. Men's minds might in that time have become calm. Many might have been frightened, and they knew nothing so cruel and revengeful as a frightened coward. Besides, a material witness for the prosecution or the prisoner might die. There were many other ways in which a prisoner might be injured, by being tried ten days before he ought to be tried; and if the law were to be strictly administered, according to the letter, then, undoubtedly, Frost and his fellow-prisoners were tried sooner than by law they ought to have been tried, and were therefore illegally convicted. Then there were only three judges before whom the case ought to have been tried; but in this case it happened that the doubtful point was referred to the fifteen judges, nine of whom were for the objection, but though nine thought it valid, six thought it not taken in time; and out of these six, were two of the three judges who tried the men at Newport. Now he had been told by good lawyers, the prisoners might have insisted upon having the objection decided at the time, and he should say, as a matter of reason and common justice, they might so have insisted, because that was the only court to try them, and the three judges were not bound to take the opinion of the other judges. There was no law to that effect, and it was a great defect that there was no court of appeal upon this subject, and in the case of high treason, it was the greatest possible grievance, for though the Crown might pardon, it was necessary to get an Act of Parliament to get rid of the attaint. Then it was positively stated—he heard that it was denied elsewhere, but he was told so by the counsel for the prisoners, that it was clearly understood by them at the trial—that the prisoners should be in no worse position on account of the objection being referred to the judges, than if it had been decided on the trial. The prisoners all set forth in their petitions that such was their understanding, and such was the opinion of many persons who were in court, and heard what passed. The House, he hoped, would bear in mind, that in order that the laws should be respected in the country, it was absolutely necessary there should be an opinion among the people that they were strictly and impartially administered. Now he must say, in this case, there was a strong feeling among hundreds and thousands of our countrymen, that the law had been strained against these men, on account of an offence of which they had been guilty, and that they were punished, more on account of the nature of the offence and the mischief that might have arisen from it, than from a strict interpretation of the law. What could be more mischievous than that such an opinion should go forth to the world? The people would no longer have confidence in the law unless it were literally and strictly administered to them; it had been said that pardoning these men would cause great mischief in the country, and add to the violence which had already been perpetrated by some misguided men. So far from that being the case, he believed in his conscience that pardoning them would have the effect of putting down all violence. He believed that so great would be its moral effect among the working-classes, that it would, more than anything else, put down all attempts at violence. It was said that many of the middle classes were so incensed at the Chartists, that Government could not prevent these men from being transported, and he had heard that the Cabinet had determined these men should be hanged even before the point of law was decided, and it was only on a re-consideration of the point of law that they consented to commute the sentence. If the argument on the point of law was good for anything, it was as good for a free pardon as commutation; and, after all, what was transportation for life? For his part, he saw little to choose between it and hanging; and having sat upon the Committee on the transportation system, he confessed that the statements he had heard of the orders inflicted on human nature by transportation made him pause, whether or not to say that transportation was not a worse punishment than death; for in case of execution, a man's life ceased at once, but in case of transportation, a man had nothing to look to but death, after years of torture — torture not so great to the physical man as that of the

Spanish Inquisition, but as horrible as any that could be inflicted on human nature; and to this these men were condemned, after allowing there was a point of law in their favour so strong as to induce a commutation of the sentence. He should be told, perhaps, the House of Commons was not a fit place for discussing this question; that it had no power in this matter, and ought not to be appealed to against the decision of a judicial tribunal, but the House of Commons was the only place in which a matter of this sort could be discussed—the only place to which the people, when they considered themselves aggrieved, could come for redress, and the only place to which the prisoners could apply for justice, and it was as competent for the House to address the Queen on any subject—the House had just as good a right to address the Queen to grant a free pardon to these men as on any other subject. The Government might have taken another course, which would have satisfied all classes; why should they not have entered into an agreement with the prisoners, and waived their power of execution or transportation, on condition of their leaving the country. This would have satisfied all, because the only feeling throughout the upper and middle classes was to get rid of these people; some, indeed, there were who were more sanguinary, and were sorry the men were not executed, but he trusted they were a very small number—he would now make only one other observation respecting the lateness at which this motion was brought forward, and which it was necessary to make, in justice to himself and others. He wished much to bring the matter before the House earlier in the Session, and before these unfortunate men had sailed for Van Diemen's Land, and he had come down to the House, night after night, prepared to do so, and he believed that, on several occasions, the House and the Government would have allowed him to have done so, for he must say the hon. Gentleman, the Under Secretary of State, had given him every facility, and that he had not to complain of him for anything that had occurred upon the subject; but upon the advice of the legal adviser of the prisoner not to bring the matter forward, as some negociation was pending between them and the Government which might be interfered with by the motion, and having the interests of the prisoners at heart, and believing that the legal advisers of the prisoners had so, he had put it off on two or three occasions, though he told them he believed their negotiation would have no better fate than he apprehended for his motion. He believed great misrepresentation had prevailed upon this subject, and that those Gentlemen were accused of not being so urgent as they should have been; and also for not arguing the question before the House. But his answer was, that he and they had done what they believed, and had been advised, was best. He was sorry to have troubled the House so long upon the subject, and would now move that an Address be presented to her Majesty, praying that her Majesty will be graciously pleased, under the special circumstances of the case, to grant a free pardon to Frost, Williams, and Jones.

Mr. *Hume*, in rising to second the motion of his hon. Friend, did so, not on the merits of the prisoners, because he could not but think that the offence of those parties had been most detrimental in every point of view. It had been detrimental to the cause of public liberty. He should say, that no occurrence in his time had given him more concern than the lamentable results of that rash and foolish undertaking. He did not rise, therefore, for the purpose of palliating the offence of the parties in question, but he believed that a very general impression existed among large masses in the country, that those parties had not been treated in the way in which other individuals, under similar circumstances might have expected. He hoped that he should hear something stated by the right hon. Member, the Under Secretary of State, which might remove that impression, because it was one of the most injurious ones he could conceive. He thought that the prisoners in this case had not had all the advantages which the Act of Parliament had provided for them, and that the lists, as had been often stated, had not been duly delivered. He had been informed that in criminal cases it was not usual to refer questions of the kind to such a tribunal as the fifteen judges, and he had been told that it was usual for judges to give their decisions immediately. When Sir F. Pollock had asked on the trial if the parties would be in no worse condition than if the case had been decided on at once, the answer of the judges was, that they should not. The sitting of the fifteen judges was extra-judicial, and it would be hard to decide the degree of authority to which it should be entitled. He had been told that that was the first case of high treason in which reference had been made to such a tribunal. The case appeared to him but of the ordinary forms of law, and that was the opinion of the various petitioners who had addressed the House. So far as he could judge, the public feeling was to a great extent in favour of that view; and he could not but express his regret that there should ever have been any necessity for the motion of his hon. Friend.

Mr. *Fox Maule* was extremely sorry to have to address the House upon a motion of this nature. He had hoped that the hon. Gentleman, the Member for Westminster, would not have thought it right to make that House a court of appeal in a case of this description from the regularly established tribunals of the kingdom: but the hon. Gentleman had deemed it proper to pursue a different course, and laying aside all reference to the prerogative of mercy as exercised by the Crown, had claimed it as an act of right and justice from the House, that these convicts should receive a free pardon. The hon. Gentleman had stated that these three individuals had been tried for a political offence. In his mind the crime with which those individuals were charged deserved a somewhat stronger name. It was true that a preliminary objection was taken to the extent at the trial, that the exact form of the law of treason had not been complied with. It had been stated, that the opinion of two out of three of the judges who presided at the trial was in favour of the prisoners, and it was then contended that the majority of the judges being of that opinion they ought to have decided the point upon the trial, and to have given the prisoners the benefit of it. Now, it appeared to him, that the fact of the two judges having declined to decide the question upon the instant, showed that a great doubt existed in their minds, and that they were anxious to have the opinion of the rest of the judges before an ultimate decision was given upon it. It had been stated that that was not the usual practice. He should probably be followed by others who were more conversant with the law, and who would inform the House correctly upon the point; but he apprehended the usual legal forms had, in this instance, not been departed from. The hon. Gentleman then referred to the narrative of the trial, to show the circumstances under which the point was reserved, and then proceeded to read the decision of the judges, which came to the Secretary of State in these terms;—

"Westminster-hall, 28th Jan. 1840.

"My Lord—I have the honour to inform your Lordship, that the argument upon the three cases of the Queen *v.* Frost, the Queen *v.* Williams, and the Queen *v.* Jones, closed this afternoon, and that the judges, after considering the subject, have come to the following determination upon the two questions which have been argued before them, viz.:

"First, a majority of the judges, in the proportion of nine to six, are of opinion that the delivery of the list of witnesses was not a good delivery in point of law.

"But, secondly, a majority of the judges, in the proportion of nine to six, are of opinion that the objection to the delivery of the list of witnesses was not taken in due time.

"All the judges agreed, that if the objection had been made in due time, the effect of it would have been a postponement of the trial, in order to give time for a proper delivery of the list.

"The result, therefore, of the determination of the judges is, that the conviction is right.

"I will have the honour of calling on your Lordship to-morrow at the rising of the court, if I should receive any intimation to that effect.

"I have the honour to remain, my Lord,
"Your Lordship's faithful
"And obedient servant,
"N. C. TINDAL.

"The Lord Marquess of Normanby, &c."

The hon. Gentleman then referred to the reply given by the three judges who presided at the trial to the memorial presented to them by Sir Frederick Pollock and Mr. Kelly. It was in these terms:—

"Westminster-hall, Jan. 31, 1840.

"My Lord—We have perused and considered the memorial of Sir Frederick Pollock and Mr. Kelly, counsel for the prisoner John Frost, who was tried under the late Special Commission at Monmouth, and beg to inform your Lordship, that the memorial appears to us to be founded upon an entire misconception of the law relating to the course of proceeding in criminal cases; and, so far as we the judges under the special commission are concerned, an entire misapprehension of the fact.

"As to the law, the uniform practice has been, so far back as we have any means of knowledge, that if the judge upon the trial of an indictment feels any serious doubt as to an objection that occurs in point of law, he decides the point against the prisoner, and allows the trial to proceed; reserving such point of law, in order that he may take the advice and opinion of all the other judges thereon. After consulting them, and hearing argument thereon (if thought necessary), the opinion of the judges is taken; and that of the majority binds the judge who has reserved the question. If that opinion should be against the prisoner, the law is suffered to take its course, and the sentence which has been passed remains. If the opinion of the judges is in favour of the prisoner, the constant course is, for the judge who tried the prisoner and passed the sentence to apply to the Secretary of State for a free pardon. And this course in no way depends on any consent, express or implied, on the part of the prisoner: the judge pursues it at his own discretion, and decides the point, for the present, against the prisoner, giving him the benefit of further consideration and advice with the other judges. And this course is pursued for the manifest purpose of preventing a failure of justice; inasmuch as if the judge decided under his immediate impression, supposing it to be in favour of the prisoner, and directed an acquittal, there could be no new trial, although upon reference to the other judges his own opinion was held to be wrong. On the other hand, if the opinion of the judge is at the time unfavourable to the prisoner, it can be reserved by that course, and if erroneous set right.

"With respect to the statement in the memorial, of what took place at the trial, so far as relates to ourselves, we cannot but remark that the learned counsel labour under a complete misapprehension, at which we are the more surprised, as we expressly stated that no distinction would be made between this and other cases tried at the assizes, but that it must follow in the ordinary course.

"At the time of the discussion we all of us entertained serious doubts, more or less strong, on the objection that was raised before us. And if the law had obliged us to come to an immediate and final decision, without the power of consulting the judges, which the law does not, we were not prepared, without much further consideration, nor without hearing the argument on the part of the Crown concluded, to come to any determination on the point. We, therefore, following the ordinary course pursued on similar occasions, decided the point against the prisoner by allowing the trial to proceed, subject to the revision before referred to.

"We beg to inform your Lordship that we think the circumstance stated and relied on in the memorial, viz., that two of the judges under the special commission ultimately declared their opinion in favour of the objection, does in our judgment make no difference whatever; nor do we think that any inclination in their minds at the time of the trial ought to affect the question; the law is taken from the majority of the judges when consulted.

"It is needless to state to your Lordship, that as to any of the communications with, or understanding between, the learned counsel and the prisoner, which are stated at length in the memorial, we are entirely ignorant.

"Under the circumstances above mentioned, we beg leave to represent to your Lordship that in our opinion there is no ground whatever to entitle the prisoner, John Frost, to a free pardon.

"N. E. TINDAL,
"J. PARKE,
"J. WILLIAMS.

"To the Lord Marquess of Normanby, &c."

Under these circumstances his noble Friend, the Secretary of State felt, that he had but one course to pursue—namely, to consider, that the verdict passed against Frost and the two other prisoners was a right verdict in point of law, and that the sentence passed upon them was the sentence which the law awarded to the offence of which they had been found guilty. For his own part, the more he considered the circumstances under which these individuals were convicted, the more he thought that their families and friends ought to be grateful for the lenity which allowed them to go into banishment, instead of having their lives forfeited to satisfy the rigid justice of the law. He must say, that those who endeavoured to persuade the public of this country, that it was better to carry the capital punishment into effect than commute it to transportation, urged an argument that did not tend much to aid the cause advocated by the hon. Member for Wigan the other night, who pressed the substitution of transportation for the punishment of death in all cases. With these remarks he should feel it to be his duty to oppose the motion of the hon. Member for Westminster.

Mr. *T. Duncombe* said, that although there was much in the argument just addressed to the House by the hon. Member, the Under Secretary for the Home Department, still he must say, that in the concluding part of the hon. Member's speech the hon. Member had mixed up feelings of pity with points of law in a manner of which he could not but disapprove. If this were a mere question of crime, and not one of law, he should be prepared to say, that there never were criminals whose lives were more justly forfeited to the offended laws of their country than the individuals whose case had now been brought under the consideration of the House. But he repeated, that this was not a question of crime, but of law, and he maintained, that the language of the statute of the 7th of Anne, ch. 12, with regard to the delivery of the lists, was so clear, that it only required a reference to Dr. Johnson's dictionary, and not to the fifteen judges, to understand it. It was so plain, that the feeling of the people of the country was, that if these unhappy men could not legally be executed, they could not legally be transported. He was surprised at the absence on the present occasion of the hon. and learned Gentleman who had been counsel for the prisoner Frost. He had seen a letter of one of those hon. and learned Gentlemen, requesting his hon. Friend, the Member for Westminster, to postpone his motion, when it stood for a former day, in the hopes that something would be done; but the prisoners were now on the wide seas, and those hon. and learned Gentlemen were not in their seats. As to the question, whether the objection had been taken in time, it appeared, that the hon. and learned Member for Huntingdon, on leaving the court, after arguing it before the fifteen judges, protested before God and the country, that he could not find, after full consideration, any principle, precedent, or authority, for his taking the objection at any other time than that of which he had availed himself in the case of Frost. But even supposing the objection not to have been taken in time in that case, how stood the matter in the case of Zephaniah Williams? He had that day received a letter from the learned Gentleman who had been assigned as counsel to Zephaniah Williams, and in that letter Mr. Thomas maintained, that he had taken the objection in time, and that he took it as soon as he was assigned, and before any juryman was sworn. He added, that the Attorney-general had asked him if he objected to the trial proceeding? He replied, that it was not in his power to put it off, but he repeated his objection to the service of the lists, and that it was for the Attorney-general, on the part of the Crown, to say whether or not in the face of that objection the trial should proceed. The Attorney-general had thus an opportunity of correcting the error in Williams's case; he, however, did not think the objection sufficiently significant to put off the trial, and the jury were therefore sworn. Mr. Thomas proceeded further to state, that he again repeated his objection on the first witness being called, and his objection he repeated on Mr. Baron Parke's commencing to sum up. He added, that in Williams's case two other lists had been served upon the prisoner after the first lists; but to them a second objection was raised—that they had not been served ten clear days, and that objection prevailed as each witness came to be sworn. The service of the second lists proved a knowledge on the part of the prosecutors that the service of the first had been irregular. Mr. Thomas concluded by expressing a hope that the House would deal with the matter in such a manner as would be productive of satisfaction to the country. Such was the statement of the learned counsel who had been assigned by the court to Zephaniah Williams. He was sure the object and desire of the House would be to see justice done to every one, and that no extraordinary precedent of this sort should be established, by straining the law, as he maintained it had been done, by sending out these individuals to a penal colony. He did not wish to palliate their crime, but wishing to see an impartial administration of the law, he would support the motion of his hon. Friend in favour of these individuals, who were justly entitled to their discharge.

Sir *S. Lushington* said, that though this question had been raised in a House not very full of Members, still it was one of very great importance, and he trusted the result of the discussion would be to dispel the erroneous impressions which had been created in the public mind, and especially in the manufacturing districts, on the subject. He was prepared to say, that the sentence carried into effect in these three cases was consonant to law, to justice, and to every consideration of public expediency. In considering this matter it was material to keep distinct the question of guilt and the question of law, and it was a great satisfaction to his mind that the House had heard the frank and full admission of the hon. Member for Finsbury and others, that the crime of which these persons had been found guilty was one of a most atrocious nature. He rejoiced at this admission, because it was important that no misunderstanding should exist on this question, and that it should not be supposed that any party in the House regarded it as a mere political offence, but, on the contrary, that all deemed it to be that which in reality it was

—namely, a desperate attempt, by bloodshed and the destruction of life and property, to overthrow all the liberties of the people, and the foundations of the government of the country. He was delighted to think that it would now go forth to the world, that this House was unanimous in its opinion as to the nature of the offence, and that thus the public mind would be disabused of the poisoned means by which the protection of political differences had been cast over that, which was a grave offence against the laws of the land. Having said thus much on the question of guilt, he now came to the question of law, and here he must object to this House being made a court of appeal on such a point. But, however, to proceed. The guilt was admitted, and the sole question was the feeble point, whether in the course of the trial there had been an erroneous decision on a point of law, which, if otherwise decided, would have entitled the prisoners to the benefit of an entire acquittal. Now what was the point of law? The complaint was, that the statute declared that the lists should be delivered "at the same time." Did that complaint, even if well founded, prove one atom of hardship, one iota of injustice, or the least inconvenience to the prisoners in respect of their defence. On the contrary, the course pursued in the delivery of the lists afforded them a full and ample opportunity of providing themselves with the means of defence. Then came the question as to what took place at the trial of these prisoners, and as to the usage and practice with regard to such a point. On this subject the House had heard read the letter of the learned judges who sat at the special commission, utterly denying that they had departed from the accustomed rule in such cases. That being so, the law as laid down by the majority of the judges must decide the question, and bind the rest, and yet it was said these prisoners were entitled to an entire remission of their sentences, because two of the judges who sat at the trial had ruled in their favour. He must ask whether it would be either common sense or consistent with the due administration of justice if it was compulsory upon a judge to decide on the moment a point raised before him. Against such a course he had the opinions of the learned judges themselves as read by his hon. Friend below him (Mr. F. Maule), and he remembered an instance corroborative of that usage and practice laid down by them in a case which occurred to himself when practising at the Old Bailey during the Admiralty Sessions as they formerly existed. On that occasion he had upon him the burden of the lives of 35 men charged with a capital crime. Lord Stowell sat with Lord Tenterden and the late Mr. Justice Park. He took an objection, and strongly pressed for an immediate decision upon it, inasmuch as, if referred to the judges, he could not have the advantage of Lord Stowell's judgment upon it. Lord Tenterden, however, stopped him, and said the matter was one of difficulty and importance, and refused to decide it *instanter* and upon the spot. Of course he could not persist, but if he had, what was the rule? Why, that the point raised was always decided against the prisoner, but reserved for consideration afterwards, and thereby the prisoner had the benefit of the opinions and the decisions of all the judges of the land. It would be most absurd, in a new and complicated case in which a doubt had arisen, if the opinion of one or two judges should weigh against the opinions of the fifteen judges. Allusion had been made to the absence of the hon. and learned Gentlemen who had defended the prisoners. Those Gentlemen had conducted the case with great zeal, ability, and diligence; nor did they abandon their clients after the conviction, but used every lawful and constitutional effort to procure a remission of the sentence, and having done that, it was to be presumed that they considered they had fully performed their duty. It was said, that the punishment of these individuals was not sanctioned by law. Now, what was the fact with respect to the objection? Some of the judges held, that the objection was good, but the majority, when it came before the fifteen judges, decided that it was not valid, and under such circumstances would any one undertake to say, that the House of Commons was competent to review the decision of the judges, and capable of pronouncing a better and a safer opinion upon a mooted point of law than they? Could a more fearful or dangerous attempt be made than to call upon the House to impeach the judgment of the superior court, and constitute itself for the first time in the history of this country a court of appeal from the decision of the judges? He would fearlessly say that according to law those persons thus convicted could have been executed. Nay, more, he would say, that hundreds of persons had been sent to the scaffold under similar circumstances, and where the like difference of opinion existed amongst the judges, without the subject having been made the theme of discussion in that House. [Mr. *T. Duncombe*—It ought to have been.] He would say no; it ought not, for the House was not competent to such a discussion. The House might be competent to discuss the question as to the severity of punishment, but it was not competent to decide upon the legal question. A more unconstitutional habit could not grow upon that House than to undertake to review the determination of the judges, and pronounce them in error. If it were done in one case, no one could tell the moment when it would be attempted in another, and thus the House might go on to weaken the authority, and to diminish the opinion now entertained, of the judges, to the entire destruction of justice itself. He perfectly agreed with his hon. Friend the Under-Secretary for the Home Department, that the causes why mercy was extended ought not to form a subject of discussion. For his own part, he would not attempt to discuss them, but he would say, that no person could rejoice more than he did at the extension of mercy in the present case, and he considered it the wisest and the safest course, which could, under the circumstances, be pursued. If these parties had been executed, there would have been a revulsion of public opinion with respect to the causes which led to their crime, and the feeling against capital punishment would be increased, not by means of reasoning, but through the operation of political feelings which were now rife throughout the country. Instead of a just punishment inflicted for a most atrocious offence, it would have been looked upon in a light in which no thinking man now viewed it—namely, that those persons were the victims of vengeance, not the sufferers for justice. He would insist that the sentence and the conviction were strictly according to law, and he would pray the House not to interfe with the law or the sentence. He did not undervalue the atrocity of the guilt committed by these indiuiduals, but he thought the punishment commensurate to the crime, and he was glad that the last punishment which man could inflict on man had not been resorted to in this instance.

Mr. *Wakley* said, his hon. Colleague had argued this matter not like a lawyer, but, on the contrary, he founded his opinions upon common sense. His hon. Friend had adverted to what had been always the practice when a doubt existed amongst the judges, and had shown, that no similar occurrence to the present was to be found in the books. But the right hon. and learned Member for the Tower Hamlets chose to pass this point over. The right hon. and learned Gentleman stated, that there were hundreds of cases of executions under similar circumstances, which had never been brought before the House, and which ought not to have been brought, because the House was not competent to comprehend them. In that case the Members of that House should not be there. Why were they there? They were there to make the laws, and yet, after making those laws, they were told that they were not competent to comprehend the laws of their own making. Did the right hon. and learned Gentleman deny, that they were competent to make the laws which he so confidently denied that they were able to comprehend? To carry out his reasoning fully, the right hon. and learned Gentleman should have come to that conclusion, and pronounced them incompetent to legislate. Now, the public took a different view of this question, for they found it difficult to comprehend how fifteen grave and learned gentlemen on the bench, who were well paid out of the taxes to comprehend the law, were so completely divided upon so simple a question as that of the exception taken on the part of Frost and his associates. There were six for, and nine against the plain, and one would think, easily answered questions, whether Monday was Saturday, whether twelve o'clock was two o'clock, or whether half-past three was a quarter to four. Yet so profound was the opinion of those gentlemen to be considered, that their decision was on no account to be approached or discussed by the House. When the decisions of the judges were characterised by clearness or common sense, he should himself be amongst the first to bow to them, but when he found them so contradictory and absurd—for no one taking a common sense view of them could pronounce them other than contradictory and absurd—he should never be deterred from calling them in question. He thought it unfair, however, in the absence of the two hon. and learned Gentlemen who counselled, and were advocates for the prisoners in this case, to proceed with the discussion, and feeling that justice could not be done to the subject in their absence, he was about to ask his hon. Friend the Member for Westminster not to press his motion to a division, but to ask leave to withdraw it for the present. He was sure, that the two Gentlemen who had defended the prisoners would not discuss the question of their guilt or innocence in that House, for they knew that they would not be justified in doing so. They would look to the plain question, whether or not these parties were now rightfully suffering under a due administration of the law. He would therefore entreat his hon. Friend not to divide upon the question, for to do so would be to damage the cause, and the fate of the parties would be sealed in the colony if the question were discussed in the absence of the hon. and learned Members for Ipswich and Huntingdon, who alone could enter fully into its merits with a perfect knowledge of all its bearings. No change had taken place in the opinion which those Gentlemen had all through expressed, namely, that on the law of the case the prisoners ought to be liberated, and one of them had said in a conversation with him, that if these men had been executed, he would not have hesitated to rise in his place in that House and pronounce it a judicial murder.

Mr. *Leader* said, he could not imagine why his hon. Friend should be so urgent in his attempts to induce him to postpone this motion, as he knew of no advantage that could attend his adoption of that advice, unless it were, that the House would have the benefit of the legal knowledge of those hon. and learned Gentlemen, which it could have just as well at any other time, provided they would undertake to bring the question again before the House. For his own part, he would attend at any time, and be happy to do all in his power to further any object they might have in view in favour of these unhappy men. He could not, however, see why he should trouble the House to listen to a long debate, and then tell them that he would not divide, because two hon. Gentlemen did not happen to be present. He had never expected that there would be anything but a small minority upon this motion, and begged of the friends of these unfortunate men, before they left the country, not to raise their hopes respecting its result. He had told many hon. Members that it was his intention to divide the House upon the motion, and he had been greatly urged out of doors to press it as quickly as possible on the notice of the House. Under these circumstances, he had no alternative but to take the sense of the House at once.

The House divided:—Ayes 5; Noes 68:—Majority 63.

List of the AYES.

D'Israeli, B.
Duncombe, T.
Fielden, J.
Hector, C. J.
Wakley, T.

TELLERS.
Leader, J. T.
Hume, J.

List of the NOES.

Adam, Admiral
Aglionby, Major
Bailey, J. jun.
Baines, E.
Baring, rt. hon. F. T.
Barry, G. S.
Bentinck, Lord G.
Bewes, T.
Blair, J.
Blake, W. J.
Brodie, W. B.
Busfeild, W.
Campbell, Sir J.
Clay, W.
Cripps, J.
Curry, Serjeant
Evans, W.
Fort, J.
Grimston, Lord
Harcourt, G. G.
Harland, W. C.
Hawes, B.
Hawkins, J. H.
Heathcoat, J.
Herbert, hon. S.
Hobhouse, T. B.
Hodgson, R.
Holmes, W.
Horsman, E.
Howard, Sir R.
Hutchins, E. J.
Hutt, W.
Lushington, C.
Lushington, rt. hon. S.
Mackenzie, W. F.
Maunsell, T. P.
Morpeth, Visc.
Nicholl, J.
O'Ferrall, R. M.
Palmer, G.
Perceval, Colonel
Philips, G. R.
Pigot, D. R.
Protheroe, E.
Pusey, Philip
Rickford, W.
Rose, rt. hon. Sir G.
Rundle, J.
Rutherford, rt. hn. A.
Sheppard, T.
Somerset, Lord G.
Stuart, Lord J
Stock, Dr.
Strutt, E.
Style, Sir C.
Sutton, hon. J. H. T. M.
Tufnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Viscount
Waddington, H. S.
Ward, H. G.
Wilbraham, G.
Wilde, Serjeant
Williams, W. A.
Wood, B.

TELLERS.
Maule, hon. F.
Steuart, R.

HOUSE OF LORDS,

Thursday, March 12, 1840.

MINUTES.] Bill. Read a first time:—Marine Mutiny; Mutiny.

Petitions presented. By Lords Colborne, and Ellenborough, from several places, against Altering the Duties on West India Produce.—By the Marquess of Bute, and the Earl of Rosebery, from the Presbytery of Dalkeith, and other places, in favour of Non-Intrusion.—By Lord Dacre, from Hetching, against the Rating of Small Tenements.

EAST AND WEST INDIA PRODUCE.] Lord *Seaford* stated that he had an important petition to present from the body of West India proprietors residing in London, on the subject of the relaxation of the present duties on East India produce, respecting which petitions had been presented to both Houses of Parliament, and committees had been appointed to inquire into the subject. The petitioners deprecated any measure which was likely to interfere with the productions or to injure the West India colonies at the present crisis, not merely from regard to their own interests, but to the population of those colonies which had been so recently manumitted, and who now were so utterly dependent on this country as the great market for the produce of their labour. They strongly deprecate any alteration of the relative duties of East and West India produce at the present moment, and pray that they may be heard by counsel against it. On presenting this petition, he could not help calling the attention of the House to the great experiment which had recently been tried in the West India colonies, which in some respects had hitherto succeeded to a degree that those most interested in the subject had not anticipated; but, at the same time, it must be admitted that some inconveniences had arisen, and that, in the extent of cultivation, and in the amount of produce, there had been a great diminution in the staple produce of those colonies, as compared with what it formerly was. The price of West India produce had risen in the market, and if the Legislature resorted to the system that had been urged upon it, of admitting East India produce at greatly reduced duties, while the expense of cultivation had increased in the West Indies, the effect would be most detrimental, and would materially interfere with the cultivation of those colonies. The difficulties now felt chiefly arose from the high rate of wages in our colonies since the Emancipation Act, and they were now in a condition which required all the protection which the mother country could afford to them. They, therefore, entreated the House to weigh with caution any measure which involved an experiment with matters in which the first principles of humanity were involved, as well as the highest commercial and mercantile interests. The noble Lord concluded with moving that the petition be referred to the committee then sitting, to inquire respecting the duties on East India produce.

Ordered.

VACCINATION.] Lord *Ellenborough* said, that in the conversation that took place a few nights ago on the subject of vaccination, he had suggested that the noble Marquess should bring in a bill, giving powers to the board of guardians to appoint persons to perform this duty; but as he did not wish to thrust a duty on others which he would not perform himself, he had prepared a bill on the subject, which he would place on the table. This bill, at present, would only apply to England, but he had prepared clauses which could be added to it, so as to extend it to Ireland by the same machinery, namely, the Poor-law unions. If the noble Marquess had no objection, he should be glad to have the bill read a second time to-morrow, and the discussion, if any was thought necessary, could be taken on Monday. It was desirable to pass the bill at once, as the guardians on the 25th of March made their new contracts with medical men for the several unions.

The Marquess of *Normanby* had no objection to the principle of the bill; he should, therefore, not object to the course proposed by the noble Lord; at the same time, he should be glad to learn the opinion of those more conversant with the subject. Did the bill make no reference to Scotland?

Lord *Ellenborough* had found that it was extremely difficult to apply this bill to Scotland. He believed that the only local bodies under which they could place the control of the vaccination were the Kirk Sessions, and he did not think that it would be advisable to do so.

The Earl of *Haddington* observed, that if the bill should be found to work well, machinery could be devised for Scotland to carry it out, independent of the Kirk Sessions. He thought that his noble Friend had done wisely in the first place in not entrusting the power to those bodies.

Bill read a first time.

REPRIEVE OF LYNAM.] The Marquess

of *Normanby* said, that in consequence of the question put to him on a former night, he had made inquiries, and found that the statement made by the noble Marquess (Westmeath), as to the commutation of the sentence of death passed upon a man named Lynam, convicted for murder recently in Dublin, was correct. He had received a communication from his noble Friend, the Lord-lieutenant of Ireland, in which he was informed that the sentence had been commuted into transportation for life. His noble Friend also stated, that there had already been executed for that crime four of that man's accomplices, and another afterwards, convicted during the viceroyalty of the noble Earl opposite (Earl of Haddington) had received a commutation of the sentence of death to transportation for life. Under these circumstances, and considering the length of time that had elapsed since the murder, as well as for other reasons, the man had been reprieved in the way which he had described. To discuss the grounds of this commutation, or of the exercise of the prerogative, would be very inconvenient.

The Marquess of *Westmeath* asked whether sentence had been commuted after communication with the judges who tried the prisoner; for he thought their Lordships must, in some degree, refer to the evidence which came before the committee which had sat last year, when it was proved by a most respectable witness, that in that unfortunate country there was a sympathy with murderers among certain classes. A very respectable witness, who had been examined, alluded very pointedly to this sympathy, and stated the instance of a man who was taken near Roscrea. He was a person who had been employed by some of the police to look out for some persons who had been guilty of grievous offences, against whom warrants had been issued. The witness stated, that he had asked him where he slept, and he replied at a farmer's house, and he could always get entertainment and lodging, by saying that he was on his keeping for murder; that was, that it was sufficient that he had committed murder and was flying from justice, to insure him the hospitality and protection of the neighbourhood. It was a matter of pain to him, as an Irishman, to dwell on what he believed to be a most disgraceful characteristic of certain classes of his countrymen, but he felt bound to do so. Under these circumstances, the government of that country could not be too cautious how they interposed between the verdicts of the jury and the conviction and condemnation of persons who had been engaged in so atrocious a murder as this; and it would be more satisfactory to him to hear that the noble Viscount (the Lord-lieutenant of Ireland) had taken for his guide the practice which obtained in this country, of laying all the circumstances of the case before the judges who had tried the prisoners, before the prerogative of the Crown was exercised. He, therefore, begged to ask again, whether the sentence had been commuted upon the opinion of the judge who tried the offence?

The Marquess of *Normanby* could not answer the question without entering into a discussion on the subject; therefore he declined doing so.

House adjourned.

HOUSE OF COMMONS,

Thursday, March 12, 1840.

MINUTES.] Petitions presented. By Messrs. Strutt, W. Evans, Baines, Dennistoun, Brotherton, Easthope, Grey, Aglionby, E. Buller, Gisborne, Hume, Wyse, Ewart, and Sir George Strickland, from an immense number of places, for the Total and Immediate Repeal of the Corn-laws.—By Lord Eliot, and Mr. Waddington, from several places, against the Repeal of the Corn-laws.—By Messrs. F. W. Campbell, G. Craig, Lockhart, Houston, and Duff, from a number of places, in favour of Non-Intrusion.—By Mr. P. Howard, from Carlisle, and Mr. Lascelles, from Wakefield, against any Interference with the Internal Laws and Regulations of China.—By Mr. Corbally, from Meath, against the Importation of Foreign Flour into Ireland.—By Mr. Dennistoun, from Glasgow, for Universal Suffrage, and in favour of the Designs Copyright Bill.—By Mr. T. Duncombe, from Clerkenwell, for a Free Pardon to Frost, Jones, and Williams.—By Messrs. Baines, Hawes, Ewart, and Easthope, from several places, for the Release of John Thorogood, and the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts.—By Mr. Brotherton, from Salford, for the Abolition of the Rural Police.—By Sir R. Inglis, from three places, against the Irish Municipal Bill.—By Sir G. Clerk, from Dalkeith, for an Alteration in the Laws of Patronage.—By Sir T. Acland, from one place, for Church Extension; and from others, against any further Grant to Maynooth College.—By Messrs. Wyse, and S. O'Brien, from two places, against the Importation of Foreign Flour into Ireland.—By Mr. Stansfield, from Huddersfield, in favour of the Copyright Assignment Bill.

PRIVILEGE—STOCKDALE *v.* HANSARD—MR. HOWARD'S ACTION.] The *Speaker* had to acquaint the House that the Sergeant-at-Arms had a communication to make with regard to certain summonses or writs which had been served upon some of the officers of that House.

The Sergeant was then called to the bar, and stated that notices of action had been served by Thomas Burton Howard upon the following officers of the House:—Charles Stein, William Bellamy, John Lead, John Mitchell, and the assistant-secretary, Captain Gossett. The notices were delivered in, and the Sergeant was proceeding to read a memorandum which he made at the time, when

The *Attorney-General* said, he very much doubted the expediency and propriety of the Sergeant-at-Arms making any statements concerning this matter at the bar.

The Sergeant delivered in a copy of the notice, which was read by the clerk.

Sir *E. Sugden* was understood to inquire why that notice had not been brought forward before?

Lord *J. Russell* said, he really did not know until the previous day that such a paper was in existence. He was told by the Sergeant-at-Arms that he had received some notice, but he never had any positive information that he could act upon. He was informed by the Speaker—yesterday, he thought—that this notice had been received. He moved that the whole subject be taken into consideration to-morrow.

Ordered.

WAR WITH CHINA.] Mr. *Mackinnon* wished to ask the noble Lord whether there was any truth in a report very generally believed, that war had been declared against China?

Lord *J. Russell* said, there had been no official intelligence amounting to what the hon. Member stated, namely, a declaration of war against China. Instructions had been given to the Governor-general of India to make some active preparations, and, although no intelligence of the nature alluded to had been received, he presumed that some directions given, or some act done, by the Governor-general, had given rise to the report of a declaration of war having been made.

Sir *R. Peel* said, supposing that the declaration should prove to be true, and that, in consequence of instructions which had been given to the Governor-general of India, a declaration of war was made, and some document was published containing that declaration, he wished to ask the noble Lord, the Secretary for Foreign Affairs, two questions. First, whether that war, if proclaimed, would be carried on on account of the supreme authority of this country and at the expense of the united empire? And, second, whether or no the Government would bring down any message to Parliament announcing the intention of her Majesty to resort to hostilities?

Viscount *Palmerston* apprehended that any communication which might take place with the government of China would be carried on in the name of the Queen of this country, and that whatever assistance might be afforded by the Governor-general of India to any operations which might be carried on in China would be assistance lent to this country under the responsibility of the Government of this country, and not of the East India Company. With regard to the other question, it was not at present the intention to send down any message of the kind.

Sir *R. Peel* was only supposing it to be the case that war had been proclaimed on account of our present position with regard to China, which was very different from that in which we stood previous to the renewal of the charter of the East India Company. His question was whether, in the event of hostilities being resolved on, any formal message would be sent down to the House?

Viscount *Palmerston* replied, that the communications, whatever they might be, which took place between this country and China would be carried on in the name of the Queen of Great Britain, and not in the name of the Governor-general of India.

Sir *R. Peel* said, that was the very reason why he had put the question. In the case of an Indian war, he could quite understand why no message should be sent down to Parliament; that course was prescribed by ordinary usage. But in this case the noble Lord had stated that hostilities were to be carried on at the charge of the country and in the name of her Majesty. He presumed, therefore, that some formal communication should be made to Parliament on so important a measure as that of war, if a recourse to it were found necessary.

Viscount *Palmerston:* I used the word "communications" not "hostilities."

Mr. *G. Palmer* inquired whether or not other instructions besides those which had been communicated to the House, had been forwarded to the British Superintendent in China?

Viscount *Palmerston* said, that undoubtedly, besides the instructions founded on those papers which had been laid on the table of the House, sent to her

Majesty's superintendent at Canton, there were others; but they were of such a nature that he apprehended they could not be laid before the House.

Mr. *G. Palmer* asked whether there were not other instructions besides those which were given to Sir F. Maitland?

Viscount *Palmerston*.—There were not any other instructions bearing on the subject to which the papers relate.

Mr. *Herries* wished to know whether the noble Lord, could communicate to the House anything further upon the subject of compensation for the opium destroyed. No communication was to be found in the papers already produced of a later date than the 13th of June, 1839, from the superintendent at Canton. Were those all the papers that the noble Lord meant to lay before Parliament.

Viscount *Palmerston* said, that every paper had been laid on the Table of the House which had been moved for, and which it appeared to be expedient to lay before the House, and necessary to give full information on the subject.

Subject dropped.

Hill Coolies.] Sir *J. Graham* said, he had reason to believe, that the commission which was appointed by the Governor-general of India in Council in 1838, had made a report with respect to the emigration of Hill Coolies. Was the noble Lord the Secretary for the Colonies cognizant of any such document?

Lord *J. Russell* was quite aware of the appointment of the commissioners, but he had not received any report made by the commission, neither had his right hon. Friend, the President of the Board of Control.

Sir *J. Graham* wished to know from the noble Lord opposite whether, in the absence of such a document, it was intended to reverse the decision prohibiting the emigration of Hill Coolies, or whether it was intended to suspend any further proceedings in reference to the subject until the next Session of Parliament.

Lord *J. Russell* wished again to rise for the purpose of saying, that he should be very glad to produce the document sought for if he possessed it, provided he had any reason to think that it bore upon the subject to which the right hon. Baronet wished to call the attention of the House. He differed altogether from the right hon. Baronet as to its bearing on the case of the Hill Coolies, antecedently to the period at which the prohibition was issued. He must once more repeat, that he did not think the papers which the right hon. Baronet wished to see produced would affect the general question.

Lord *Stanley* said, he understood that an act had passed the legislature of Demerara, regulating immigration to that colony. He observed that no papers relating to that subject had been laid upon the Table of the House, and he wished to know from the noble Lord opposite whether it was intended to produce them.

Lord *J. Russell* replied, that an order had been sent by the legislature of Demerara which had been disallowed, and the papers explanatory of those proceedings had been laid upon the Table of the House. There had not been any order from the Government here forwarded to Demerara, but a sketch or draught of an order had been sent which, if published in Demerara, would, he had no doubt, prove satisfactory to the Government at home. As to the production of such documents, he believed it was very unusual.

Subject at an end.

Lighting the House.] Lord *Eliot* would not obtrude at any very great length on the time of the House; but as he was about to request the House, if not to rescind a resolution which they had recently come to, at least to recede from a previous determination, he thought he was bound to give a sufficient reason for asking the House to reconsider this question. Mr. Gurney had presented a petition relative to the Bude light, which had already been adopted by the Trinity House. The Bude light was the invention of Mr. Gurney, and consisted of passing a stream of oxygen gas through an Argand burner, and the light was so brilliant that the Trinity House adopted it. Mr. Gurney offered to light the House with the Bude light, and to be at the expense of the experiment. The right hon. the Chancellor of the Exchequer, however, had objected to this being done at Mr. Gurney's expense, but had granted 100*l*. towards making the experiment, which had been conducted under the superintendence of the Commissioners of Woods and Forests. This experiment had proved so satisfactory that the House had appointed a select committee to consider the subject.

On the committee which had been appointed he (Lord Eliot) had been a member, and he certainly admitted, that, knowing the abilities of Mr. Gurney, and from his experience of the Bude light, he was pre-disposed in its favour, yet not so much as to be unalterably prejudiced against any evidence. Even this slight pre-disposition, however, could not be alleged against any other Gentleman on the committee, who were entirely disinterested either way. The committee had examined Professor Faraday, Sir D. Brewster, Dr. Ure, and Dr. Arnot, and not one of them expressed an unfavourable opinion of the light; nay, they were decidedly in its favour. They, however, stated, that there was a great necessity for adopting some means to improve the ventilation of the House, and that this light would afford facilities for that object, by giving opportunity for having a descending current: at all events, an improvement of the ventilation would prevent the annoyance of dust through the chinks in the floor of the House. The noble Lord had stated further, that many practical gentlemen, such as Mr. Rixon (of Hancock and Rixon's), had declared that a finer light than the Bude never was witnessed. The chandeliers now in use weighed several hundred weight each, with the massy shades (many yards in circumference), and that, suspended to a small chain, their safety was at least questionable—indeed, a day or two ago one had fallen and grievously injured a workman. Then, as to the expense of the Bude light, it had cost some700*l.*, but that included a stock which would last through the Session, and the chandeliers had already cost upwards of 500*l.*, and divers decorations had been added by the gallant Officer (Colonel Sir F. Trench.) He considered that the experiments with the Bude light had not been fully and fairly made, and that, therefore, the wishes of the committee and the orders of the House had not been complied with. He trusted, therefore, that the House would accede to his motion, and if, after a fair trial, the House should be convinced, under all the circumstances, that the present mode of lighting was preferable to the Bude light, he, for one, would not again venture to become its advocate. The noble Lord concluded by moving, that opportunities for further experiment be afforded to Mr. Gurney.

Mr. *James* seconded the motion. He did not believe, that there was any Member in that House who suffered more from defective sight than he did, and he must confess, that he experienced the greatest possible relief when the unseemly chandeliers were taken away and the Bude light substituted, and which he hoped soon to see restored.

Sir *F. Trench* said, the only object he had in view was, that hon. Members should have that light that was most agreeable to them. He would not say one word in favour or against either mode of lighting, as hon. Members were competent from the experiments that had been made, to form their own opinions. There was one circumstance, however, to which he was anxious to call the attention of the House. It had been stated that an accident had occurred on Monday, in consequence of the weight of the chandeliers. Now in consequence of that, he had taken the trouble to obtain an account of the weight of different chandeliers in public buildings. The lustres in the National Gallery weighed 17 cwt.; those of the Opera House, 14 cwt.; Covent-garden theatre, 18 cwt.; in Drury-lane theatre, 7 cwt.; and in some public show room, 15 cwt. The lustres of the House, with shades and chains, amounted to 6 cwt. only. The shades, too, could be formed of lighter material, so as to render them less cumbrous. With respect to the expense of candles, there was an error in the calculation made by the noble Lord, because the 6*l.* which had been quoted as the expense each night, did not extend to the candles used in the House merely, but to lights consumed in the coffee room, reading room, and other apartments also. The experiments on the Bude light, which had cost the country already 750*l.*, had been fairly tested, and found insufficient.

Sir *C. Lemon* considered that the experiments which had been made respecting the Bude light afforded a safe guide to the lighting of the future Houses of Parliament which were in the course of construction. At the commencement of the Session, he had been struck with the appearance of the interior of the House, by the introduction of that light; but since the introduction of these domestic lights, the wax candles, with the overhanging opaque bodies, flanked on one side with a petticoat, and on the other with an apron, the whole architectural beauty of the House had been destroyed. He would support the motion.

Mr. *Goulburn* agreed with the hon. Member, who said, that this was a question of feeling and not of argument, and he must confess, that he saw better by the wax lights than by the new light. The hon. Member had spoken of the experiment being made with reference to the future houses of Parliament; but he must protest against being made the *corpus vile* of such experiments.

Sir *Thomas Acland* said, that the half-perfected Bude light had been found superior to the wax lights, and for that reason, he would support the motion.

The House divided:—Ayes 136; Noes 86: Majority 50.

List of the Ayes.

Acland, T. D.
Aglionby, H. A.
Aglionby, Major
Alston, R.
Archbold, R.
Baines, E.
Barnard, E. G.
Barron, H. W.
Berkeley, hon. C.
Bewes, T.
Brabazon, Sir W.
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Buller, C.
Busfeild, W.
Clay, W.
Clive, E. B.
Cole, Viscount
Collier, J.
Courtenay, P.
Craig, W. G.
Cripps, J.
Currie, R.
Curry, Mr. Sergeant
Denison, W. J.
Divett, E.
Dundas, C. W. D.
Dundas, F.
Du Pre, G.
Easthope, J.
Egerton, W. T.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Evans, Sir De L.
Evans, W.
Ewart, W.
Feilden, W.
Fielden, J.
Fenton, J.
Forester, hon. G.
Gisborne, T.
Goring, H. D.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hamilton, Lord C.
Harland, W. C.
Hawes, B.
Heathcote, J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hope, H. T.
Horsman, E.
Howard, F. J.
Howard, P. H.
Hume, J.
Humphrey, J.
Hutchins, E. J.
Hutt, W.
Hutton, R.
James, W.
Knight, H. G.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Lincoln, Earl of
Lister, E. C.
Loch, J.
Lushington, C.
Lynch, A. H.
Macaulay, rt. hon. T.
M'Taggart, J.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Milnes, R. M.
Morpeth, Viscount
O'Connell, J.
O'Connell, M. J.
O'Conor Don
Ord, W.
Paget, F.
Palmer, R.
Palmerston, Viscount
Parker, J.
Patten, J. W.
Pattison, J.
Pendarves, E. W. W.
Phillips, M.
Pigot, D. R.
Pigot, R.
Price, Sir R.
Protheroe, E.
Pusey, P.
Rickford, W.
Roche, W.
Rundle, J.
Seymour, Lord
Sharpe, General
Slaney, R. A.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stansfield, W. R.
Staunton, Sir G. T.
Steuart, R.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Thornely, T.
Townley, R. G.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Vivian, J. H.
Vivian, rt. hn. Sir R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Acland, Sir T.
Eliot, Lord

List of the Noes.

Arbuthnot, hon. H.
Ashley, Lord
Baker, E.
Baring, H. B.
Baring, hn. W. B.
Blackstone, W. S.
Bradshaw, J.
Broadwood, H.
Castlereagh, Viscount
Chapman, Sir M. L. C.
Chapman, A.
Chute, W. L. W.
Clive, hon. R. H.
Copeland, Mr. Ald.
Corry, hon. H.
Dalrymple, Sir A.
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Duncombe, hon. W.
Ellis, J.
Farnham, E. B.
Fitzroy, hon. H.
Gaskell, J. M.
Gladstone, W. E.
Gordon, hn. Captain
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimsditch, T.
Grimston, Viscount
Hastie, A.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hodgson, F.
Hodgson, R.
Holmes, hon. W .A.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Hurt, F.
Inglis, Sir R. H.
Irving, J.
Jones, J.
Lambton, H
Lockhart, A.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Viscount
Maunsell, T. P.
Miles, P. W S.
Morris, D.
Nicholl, J.
Palmer, G.
Peel, J.
Pemberton, T.
Polhill, F.
Powerscourt, Visct.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rose rt. hon. Sir G,
Salwey, Colonel
Scrope, G. P.
Shaw, rt. hon. F.
Smith, R. V.
Somerset, Lord G.
Stanley, Lord
Sugden, rt. hn. Sir E.
Surrey, Earl of
Sutton, hn. J. H. T. M.
Tancred, H. W.
Turner, W.
Vere, Sir C. B.
Villiers, Lord

Waddington, H. S.
Walsh, Sir J.
Whitmore, T. C.
Williams, R.
Wodehouse, E.
Wood, Colonel
Wrightson, W. B.
Young, J.

TELLERS.
Fremantle, Sir T.
Trench Sir F.

FIRST-FRUITS AND TENTHS.] Mr. *Aglionby*, as chairman of the Committee on the First Fruits and Tenths of the Clergy, brought up the report of the whole House, by which it was resolved :—

"That it is expedient to make provision for the abolition of the First Fruits and Tenths of the Clergy as at present enforced in England and Wales, after the next avoidance; and in lieu thereof to levy an assessment of one-tenth part of the clear annual value upon all archbishoprics and bishoprics, and all dignities and benefices and other spiritual promotions above the clear yearly value of 300*l.*, to be applied in the first instance to the augmentation of the maintenance of the poor clergy, and afterwards to the building and re-building of churches, and to such other purposes as may conduce to the interests of religion, and that a bill be brought into Parliament grounded on this resolution."

Mr. *Goulburn* said, that having already explained his sentiments on this measure, he should move to negative the report.

Mr. *Baines* would merely say, that in the bill, which, with the leave of the House he should introduce, it was not his intention to adhere rigidly to the assessment of annual Tenths, though he conceived that this would generally be considered very productive. He should, however, leave it to the House, in the progress of the bill, to regulate the amount of payment to be made out of the higher livings for the augmentation of the lower, and to award to the labouring clergy such proportion of the real annual income of all livings above 300*l.* a-year, when they ceased to be held by the present incumbents, as Parliament might think necessary to maintain the station of the labouring clergy, and to secure to them and their families a competent support.

The House divided on the question that the report be brought up:—Ayes 46; Noes 54: Majority 8.

List of the AYES.

Aglionby, Major
Archbold, R.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bewes, T.
Bridgeman, H.
Brotherton, J.
Busfield, W.
Collier, J.
Elliot, J. E.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hume, J.
Hutt, W.
James, W.
Knight, H. G.
Lemon, Sir C.
Lister, E. C.
Lushington, C.
Martin, J.
Pechell, Captain
Pendarves, E. W.
Roche, W.
Rundle, J.
Slaney, R. A.
Smith, J. A.
Somerville, Sir W. M.
Staunton, Sir G.
Stuart, Lord J.
Strickland, Sir G.
Style, Sir C.
Tancred, H. W.
Turner, E.
Vigors, N. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, W.
Williams, W. A.
Worsley, Lord
Yates, J. A.

TELLERS.
Baines, E.
Aglionby, H. A.

List of the NOES.

Bagge, W.
Bentinck, Lord G.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Clay, W.
Courtenay, P.
Cripps, J.
Dalrymple, Sir A.
Darby, G.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Ellis, J.
Estcourt, T.
Freshfield, J. W.
Gaskell, J. Milnes
Gordon, R.
Graham, Sir J.
Grimston, Lord
Hamilton, Lord C.
Harland, W. C.
Henniker, Lord
Hepburn, Sir T.
Herries, J. C.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Irving, J.
Mackinnon, W.
Mahon, Lord
Neeld, J.
Nicholl, J.
Palmer, G.
Palmerston, Lord
Peel, J.
Polhill, F.
Pusey, P.
Reid, Sir J. R.
Rose, Sir G.
Russell, Lord J.
Shaw, F.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Vere, Sir C. B.
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Wyse, T.
Young, J.

TELLERS.
Fremantle, Sir T.
Goulburn, H.

Report thrown out.

HOUSE OF LORDS,

Friday, March 13, 1840.

MINUTES.] Bills. Read a first time:—Administration of Justice.—Read a second time:—Vaccination Extension.

Petitions presented. By the Earl of Clarendon, from Yeovil, for the Total and Immediate Repeal of the Corn-laws.—By the Earl of Glengall, and Lords Prudhoe, and Redesdale, from several places, against the same.—By the Earls of Glengall, and Galloway, and Lord Redesdale, from three places, against any further Grant to Maynooth College.—By Lord Redesdale, from one place, against the Irish Corporation Bill.—By the Marquess of Bute, and the Earls of Rosebery, Aberdeen, Glengall, and Galloway, from a number of places, in favour of Non-Intrusion.

REPRIEVE OF LYNAM.] The Marquess of *Westmeath* wished to know, with reference to the case of the convict Lynam, who had been found guilty of murder at the Dublin sessions, and whose sentence had afterwards been commuted, whether the noble Marquess had any objection to lay before their Lordships any memorial that had been presented to the Government for the commutation of that sentence?

The Marquess of *Normanby* said, he could not answer the question until he had communicated with his noble Friend the Lord Lieutenant of Ireland.

The Marquess of *Westmeath* was of opinion, that the well-conditioned part of the Irish community had a right to expect something better than the practice which appeared lately to have prevailed in granting pardons, when they saw, so far as they knew, and so far as any information they received extended, that the sentence of a very great offender had been commuted without any communication having been had with the learned Judge who tried the case. The noble Marquess had not informed the House, when he asked the question, whether such a communication had or had not taken place.

The Marquess of *Normanby*. I declined to answer the question, because I could not do so without entering into a discussion of the whole subject. If the noble Marquess makes a motion on the subject, I shall be prepared to answer it.

The Marquess of *Westmeath* said, that when he was interrupted by the noble Marquess, he was about to observe, that in ordinary times he would have been perfectly satisfied with the answer of the noble Marquess. But, looking to the peculiar state of the present times, it was not at all satisfactory. He was quite sure, that the Sovereign would not venture to commute the punishment of death in England without communicating, in the first place, with the judge who tried the case. When he asked the noble Marquess whether, in this instance, such a communication had taken place, he refused to answer "ay" or "no," but he stated, that if a motion were made on the subject, he would meet it. He could not collect from that, that what he understood to have taken place was not to be repeated. A few days ago an hon. Member of the House of Commons had brought in a bill to abolish the punishment of death in cases of murder. That proposition was negatived, and the necessity of resorting to the punishment of death in atrocious cases was thus affirmed. Were they, then, to suppose, that any person who happened to be placed at the head of the Irish Government could take on himself, at his pleasure, to dispense with the sentences passed on offenders of the worst description? Their Lordships, he conceived, were not fairly treated when the noble Marquess refused to answer whether in this instance the sentence was commuted after communication with the judge who tried the criminal, or without any such communication. The person to whom mercy was thus extended was, it should be observed, the principal, the planner of the murder, which was committed in the metropolis of Ireland, and on account of which several persons had been executed.

The Earl of *Charleville* thought, that after what had fallen from his noble Friend, the noble Marquess was bound to give some direct answer to his question. He ought to state whether the noble Viscount (Ebrington) had commuted the punishment of this convict after sentence of death had been passed on him in the most solemn way, without having first communicated with the judge before whom his trial took place, that convict being the principal in the murder for which others had suffered. In the last Session their Lordships had agreed to this resolution:—

> "That it is the duty of the executive Government, when considering any case of conviction had before any of the King's judges, with a view to remitting or commuting the sentence, to apply for information to the judge or judges who tried the case, and to afford such judge or judges an opportunity of giving their opinion on such case, unless circumstances should exist which render any such application impossible, or only possible with an inconvenient delay; but that it is not necessary that the executive Government should be bound to follow the advice, if any, tendered by such judge or judges."

Now, after the passing of that resolution, which clearly recognized the propriety of a communication by the Government with the judge before whom a criminal was tried prior to extending mercy to such criminal, it appeared to him that the noble

Marquess was bound to give the information demanded by his noble Friend. If he declined, then he hoped that his noble Friend would give notice of a motion, to compel the noble Marquess to disclose the fact, and to declare whether contrary to usage and to the resolution on their Lordships' table, the Lord-lieutenant of Ireland had commuted the sentence of this criminal without any reference to the judge by whom he had been tried.

Conversation ended.

HOUSE OF COMMONS,

Friday, March 13, 1840.

MINUTES.] Bills. Read a second time:—Mutiny; Marine Mutiny.—Read a third time:—Horse Racing.

Petitions presented. By Messrs. Greg, Wallace, Sanford, M. Philips, Brotherton, Elliot, W. Evans, Turner, F. Maule, Ewart, Hume, Lord John Russell, and Sir G. Strickland, from a very great number of places, for, and by Messrs. R. Palmer, F. French, Viscount Cole, and the Earl of Lincoln, from six places, against the Total Repeal of the Corn-laws.—By Mr. Pemberton, from some Irish Barristers, for the Release of Sheriff Evans.—By Mr. F. French, from several places, for Medical Reform; from Roscommon, for an Extension of the Suffrage; and from Tuam, for Railways in Ireland.—By Sir C. B. Vere, from one place, against the Grant to Maynooth College; and from another, against the Irish Corporation Bill.—By Sir R. Peel, from Derby, for Religious Instruction.—By Lord J. Russell, from Cornwall, for not Assessing Workhouses.—By Mr. Hume, from Collingshaw, for Law Reform in Scotland; from other places, for Universal Suffrage, and Vote by Ballot.—By Sir R. H. Inglis, from several places, for Religious Instruction, and against the Irish Corporation Bill.—By Viscount Sandon, from Rochester, for the better Regulation of Beer Houses.—By Viscount Cole, and Mr. Packe, from two places, against the Grant to Maynooth College.—By Mr. Crawford, from a Parish in London, for Church Extension.—By Mr. T. Duncombe, from Finsbury, and Cornwall, for the Liberation of Lovett and Collins.—By Sir J. Graham, and Mr. F. Maule, from several places, for Non-Intrusion.—By Mr. Brocklehurst, from Macclesfield, for the Release of John Thorogood, and the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts.

TEA—AMERICAN SHIPS.] Mr. *Herries* wished to ask the President of the Board of Trade whether there was any objection to lay before the House a copy of any communication made to the Custom-house respecting the admission of tea, water borne from Canton in American craft, and afterwards shipped by British vessels. He believed that such an order had been made; and the reason why he asked whether there were any objection to lay that paper before the House was, that it appeared from one of the despatches of Captain Elliot that he insisted that such tea should not be admitted.

Mr. *Labouchere* said, he thought it inexpedient to depart from the ordinary practice, that of refraining from making public those confidential communications between the Board of Trade and the other Government boards. But this he might say, that her Majesty's Government had not thought it expedient to act on the suggestion of Captain Elliot. They did not see any reason why tea brought from the Chinese seas in British bottoms should be prohibited from entering our ports.

Mr. *Herries* did not ask for any confidential communications, but for an order which he understood had been made to admit tea brought to this country in British bottoms after being transferred from American ships. That could not be considered a confidential communication. But it was an order which everybody should be acquainted with, and certainly it ought not to be refused to the House of Commons.

Mr. *Labouchere* said, if any such order had been given, he thought there would be no objection to lay it before the House.

PRIVILEGE — STOCKDALE *v.* HANSARD—BILL TO AUTHORISE PUBLICATION]. Lord John Russell moved the Order of the Day for a Committee on the Printed Papers Bill.

Sir *E. Sugden* thought it would facilitate the passing of the bill through a Committee if he stated at the outset, as briefly as he could, the object of the bill, and the nature of the amendment he meant to propose. After the preamble, section one provided, without asserting the right of the House to interfere against a court of law, that persons civilly or criminally proceeded against for any publication by the authority of that House, were to obtain a certificate from the Speaker of either House, and thereupon, the action was to be put an end to. The second section applied to a totally different matter—namely, the action brought by Mr. Howard against the messengers of that House for an alleged trespass in the execution of the Speaker's warrant. The two sections stood upon totally distinct grounds, and then there was a concluding proviso that nothing contained in the Act should affect the privileges of that House. It had been erroneously supposed out of the House that he (Sir E. Sugden) had objected to the *post facto* nature of the bill, but he had done no such thing. What he proposed to do was, in Committee to introduce certain words into the first clause, giving to persons, not the original publishers of the publications of the House the same remedy with respect to what had already been published as the bill proposed to give to what might be published in future. He should propose, also, to extend that provision to Members, because, as the right of action was not taken away, he did not see what protection Members would have, who might afterwards publish the printed papers of the House, by handing them over to third parties. He should also propose to introduce the word "papers," as there were documents published by order of the House that would not come under the denomination either of Reports, Votes, or Proceedings. By this bill they could stop an action at law, while their privileges remained untouched and entire; and they would have the power of committing for a contempt of the House, parties bringing such an action, and of sending them to Newgate if they should think proper. They had the power which was now given to them for the first time of stopping an action while the party was still in custody. Under these circumstances, he thought it would be advisable to make some provisions for the liberties of the subject, while they were obtaining a greater power than had ever been possessed by a House of Commons. He proposed to meet this case by introducing a proviso, enacting, that when proceedings should be finally put an end to by the authority of the provisions of the proposed act, that then any persons who had been committed by either House of Parliament, in consequence of having been concerned, either in the institution or the carrying on of such proceedings, should be forthwith discharged from custody by the House which had committed him; and he proposed this, in accordance with the last section of the Bill now before the House; for whereas by that section, it was enacted, that nothing in that bill should be construed to affect the privileges of that House, so he introduced this clause, to provide that nothing in the bill should be construed to extend the privileges of the House. His intentions in these propositions was, to further the object they all had in view, by asserting the great authority of the House, without at the same time infringing on the liberties of the people. He also proposed to omit the second clause, although he proposed to retain the first, but he drew this distinction between the first clause and the second. He did not object to the first clause, which was introduced for the purpose of staying vexatious actions; but he did object to the second clause, because they could not know what actions were really vexatious, and what were not so. The law, as it at present stood, was, that if the officers of the House, in the execution of the Speaker's warrant, committed any excess of authority, the person damnified might recover damages for any injury sustained in consequence of the undue exercise of such excess of authority. The House could not take away the right of a subject on any action for an excessive exercise of the warrant of the Speaker, supposing such right to exist, and if none existed, the House should prove it before a jury. The right hon. Gentleman said, he thought it might conduce to the convenience of the House to hear from any Member, a general statement of the views he took upon the bill, previous to going into Committee.

Mr. *Pemberton* thought there should be some statement made as to the objects intended to be effected by the bill. He did not object to going into Committee; he was willing, indeed, to sacrifice somewhat of his own opinion to the bringing this matter to a satisfactory conclusion. But he thought the House should know distinctly whom, and what, the bill was meant to protect. It had not been stated that the bill was intended to effect more than a protection to actions brought upon alleged libellous publications by the order of the House. But the language of the bill was such as to exclude any action brought to question any act done by authority of the House. And, as the act now stood, it would appear that it might prevent an action for work and labour in printing the proceedings of the House. He wished to know to whom the protection was to be extended. Was it to be confined to the officers of the House, and were the booksellers and others, who would be induced by the liberal discount allowed by the House for the purchase of its papers, to be left subject to actions for all parties? When it was stated who it was intended to protect, then they would know what to do in Committee, but until that was known it seemed to him impossible for them to determine in Committee whether the clauses were well framed or not. He thought every useful purpose would be answered by extending the protection of the House to its own officers who, in the event of the House cancelling a work, would immediately obey. Worded as the bill now stood, it was impossible for any man to say how far it might go. Under the words used in the bill, even an action for work and labour done upon any publication ordered by the House might be stopped. He hoped, before they went into committee they would hear how far it was intended to go, and what purpose was intended to be effected by the bill. He also objected strongly to the second clause, although he agreed that legislation was necessary.

Lord *J. Russell:* The object of the bill was stated fully when he moved for leave to bring it in. He did not think that that was the proper stage for them to discuss the wording of the bill; it would be more advantageously done in Committee. He admitted that the intention of the framers of the bill was to confine the protection to persons publishing under authority of the House. On going over the bill since, it appeared to him that there was some doubt whether it might be interpreted to extend further, and to include parties who purchased these papers for the purpose of reselling them. He should be satisfied, however, if it carried the protection as far as he intended. At the same time he thought it a very important subject, but it would be for the Committee to decide whether any alteration should be made in it. It was, he feared, extremely difficult in drawing up a bill like the present, to introduce words which would not be open to great objection. It would, however, be far better to discuss these points in Committee.

House in Committee.

On the first clause,

Sir *R. Inglis* admitted the inconvenience of discussing these matters before going into Committee, but he thought his right hon. and learned Friend the Member for Ripon was perfectly justified in calling the attention of the House to the matter. He did not think they would be justified in adopting the first clause of the bill unaltered. He agreed that it was desirable to extend the protecting clause much further than his noble Friend seemed willing to do, and not to do so could only arise from a desire of keeping up the copyright. When the second clause should be brought forward, it would be the best time to enter into the discussion; but when he was told that it was essential to the due and effectual exercise and discharge of the functions and duties of Parliament that there should be no obstruction to the publication of such of its votes and proceedings as either House of Parliament should think it fit and essential to publish, he asked how long that had been, and how far it was at that moment the rule, and to what extent it was acted on? The very essence of publication, so far as the world was concerned, was that no person whatever had a right to publish, or even to be present at their proceedings, and unless it could be shown there was some order of the House to enable them to do so, the preamble of the bill was inconsistent with fact. He should suggest the omission of the 20th line of the retrospective words of the first clause.

Sir *Edward Sugden* proposed to add words before those which his hon. Friend proposed to omit. The object of his amendment was, that any defendant or defendants, whether the original publisher or publishers or not, or whether a Member of the House or not, should be able to make the defence given by the act. The right hon. Gentleman then moved that words to that effect be inserted in the clause.

The *Solicitor General* begged to observe, although it was not his intention to support any part of the bill—that this amendment appeared to go very much beyond the object which the noble Lord stated when he introduced his bill. The bill, as he understood, was framed only to meet a particular evil. That evil was, that persons acting under the authority of the House might have actions brought against them during the recess, and be put to inconvenience and loss before the House could meet. In order to meet that special case the present bill was brought forward, and the machinery of the bill was calculated only to carry that object into effect. In cases of actions brought against the servant of either House, for any publication made by order of the House, the certificate of the Speaker of either House of Parliament, or of the clerk of the House of Commons, that such publication had been made in obedience to the orders of the House, was sufficient to put a stop to such action. In granting these certificates, the officers of the House were exercising little more than merely ministerial functions; but if they went in any respect beyond that, they would be called upon to discharge duties which he did not think that House would choose to impose upon them. He therefore submitted to his right hon. Friend, that it was not expedient to make such an alteration in this bill.

Sir *E. Sugden* said, he was aware that if his amendment were agreed to, the bill would require other machinery; but under the circumstances he would not press it; though to assert the principle, he would submit it to the House from the chair, and allow it to pass in the negative.

Sir *R. Inglis* moved his amendment for the omission of the retrospective words in the 1st clause.

Mr. *Hume* asked, why this bill should be objected to for being retrospective, when the Horse-racing Bill, which was also retrospective, was allowed to proceed unopposed?

The Committee divided on the question that the words to be left out, stand part of the clause:—Ayes 9; Noes 179: Majority 170.

List of the Ayes.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alston, R.
Ashley, Lord
Baring, rt. hn. F. T.
Baring, hon. W. B.
Barnard, E. G.
Barry, G. S.
Bellew, R. M.
Bentinck, Lord G.
Bewes, T.
Blair, J.
Bowes, J.
Bradshaw, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Cantalupe, Viscount
Chetwynd, Major
Clay, W.
Clerk, Sir G.
Clive, E. B.
Cochrane, Sir T. J.
Collier, J.
Colquhoun, J. C.
Coote, Sir C. H.
Corbally, M. E.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Curry, Sergeant
Dalrymple, Sir A.
Denison, W. J.
Dennistoun, J.
Divett, E.
Duff, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, Sir R.
East, J. B.
Easthope, J.
Egerton, W. T.
Evans, W.
Ewart, W.
Fitzroy, hon. H.
Follett, Sir W.
Forester, hon. G.
French, F.
Gisborne, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, R.
Goulburn, rt. hon, H.
Graham, rt. hon. Sir J.
Greene, T.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimston, Visct.
Halford, H.
Hamilton, Lord C.
Hastie, A.
Heathcoat, J.
Hector, C. J.
Heneage, G. W.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodgson, F.
Holmes, hon. W. A.
Hope, hon. C.
Hope, G. W.
Howard, hon. E G. G.
Howard, P. H.
Howick, Visct.
Hume, J.
Humphery, J.
Hurt, F.
Hutchins, E. J.
Hutton, R.
Irving, J.
James, W.
Lambton, H.
Langdale, hon. C.
Lincoln, Earl of
Lister, E. C.
Lushington, rt. hon. S.
Mackinnon, W. A.
M'Taggart, J.
Mahon, Visct.
Martin, J.
Marton, G.
Maule, hon. F.
Milnes, R. M.
Morpeth, Visct.
Morris, D.
Neeld, J.
Norreys, Lord
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Packe, C. W.
Paget, F.
Palmer, R.
Parnell, rt. hon. Sir H.
Patten, J. W.
Pattison, J.
Pechell, Captain
Peel, J.
Pemberton, T.
Philips, M.
Pigot, R.
Planta, rt. hon. J.
Polhill, F.
Protheroe, E.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rickford, W.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Seymour, Lord
Sharp, General
Shaw, rt. hon. F
Sheil, rt. hon. R. L.
Slaney, R. A.
Somerset, Lord G.
Stanley, hon. E. J.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart J.
Stock, Dr.
Strickland, Sir G.
Style, Sir C.
Sugden, rt. hon. Sir E.
Sutton, hon. J. H. T. M.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Townley, R. G.
Tufnell, H.
Turner, E.
Turner, W.
Vernon, G. H.
Vigors, N. A.
Villiers, Viscount
Vivian, rt. hon. Sir R.
Wakley, T.
Warburton, H.
White, A.
Whitmore, T. C.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Winnington, H. J.
Wood, Colonel
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Parker, J.
Rich, H.

List of the Noes.

Attwood, M.
Broadley, H.
Darby, G.
Fielden, W.
Fector, J. M.
Filmer, Sir E.
Jones, J.
Neeld, J.
Williams, R.

TELLERS.

Inglis, Sir R. H.
Law, hon. C. E.

Mr. *Gisborne* moved, that instead of the words "either House of Parliament," the words "House of Commons" should be substituted. He quite agreed, on a former evening, with the right hon. Baronet, the Member for Tamworth, in thinking that it would not have been proper for the House of Lords to originate this bill without communication with the House of Commons, and in the same way it would be better to leave the other House to insert words extending to itself the scope of the bill if it were considered necessary so to extend it. Unless he heard some reason for distinguishing the two cases, he should move an amendment to that effect.

Sir *R. Peel* could not assent to such an amendment. There could be no reason for depriving the other House of the protection afforded by the bill, since both the Houses stood exactly in the same position. It was true the House of Lords had passed no resolution for the sale of its proceedings, but it had been laid down in the Court of Queen's Bench that the fact of sale was immaterial. The provisions of the bill were even more necessary in the case of the House of Lords than in that of the House of Commons, for the latter had in its favour the argument that communications between its Members and their constituents were privileged.

Mr. *V. Harcourt* thought it doubtful whether the bill, as at present framed, would protect the communications of hon. Members with their constituents. He should, therefore, be glad to see words introduced for the purpose of giving efficient protection to such communications.

Mr. *Darby* believed, it would nowhere be found in the judgment of the Court of Queen's Bench that the communications of Members with their constituents were not privileged.

Sir *R. Peel* was not so sure that even that privilege had not been questioned. The opinion of Mr. Justice Littledale was, that a Member whose conduct was blamed by his constituents, desiring to vindicate his conduct, might send what Parliamentary papers he pleased, provided only they did not contain matter criminatory of individuals. He could not be justified in publishing any defamatory matter in order to vindicate his own conduct. He was nevertheless clearly of opinion that such a publication was privileged, but still he should be extremely sorry to admit any words to protect Members in individual cases beyond the present necessity, lest they should imply a doubt upon this subject.

Amendment negatived.

Lord *John Russell* moved the introduction of words requiring a notice in writing to be served on the plaintiff, or at his residence, from and after which the proceedings, civil or criminal, should be stayed.

Sir *W. Follett* could not approve of the form in which it was proposed to stay these proceedings. There would be considerable difficulty in point of practice in the mode prescribed by the noble Lord. The usual course would be for the defendant to make an affidavit, stating, that the publication had been made by order of the House, and apply to a judge of the court to stay proceedings. On the production of the Speaker's certificate, it should be made imperative on the judge to stay the proceedings. The plaintiff in that case would have a notice to attend before the judge, and on the affidavit of the defendant, and the production of the Speaker's certificate, the proceedings would be stayed. Suppose Mr. Hansard who published the proceedings of Parliament, published also the debates of both Houses. If he published defamatory matter, not only by order of the House, but also in a shape unauthorized by Parliament, who was to inquire, should an action be brought, in respect of which publication proceedings had been commenced? Not the Speaker, surely; for he had no authority to summon witnesses, or take examinations. It would be better to adopt the ordinary course, the defendant applying on affidavit, when, if any judicial inquiry were necessary as to the character of the publication, it might regularly be made, but rendering it imperative on the judge, on the production of the Speaker's certificate, to stay the proceedings.

The *Solicitor-General* said, that any application to the court had been omitted in this Act upon deliberate consideration. There were numerous Acts of Parliament which required proceedings to be stayed without the intervention of the court; and this, of all others, was a case in which the court should not be called upon to interfere. If they made any application to the court necessary in this particular case, it might give rise to numerous questions leading to a conflict between this House and the Court of Queen's Bench. It was intended that the Speaker's certificate should be conclusive evidence that the publication was authorized by the House, He considered that great evil would be imported into the bill, if any interference or any action on the part of the court were allowed, and he, therefore, trusted, that the House would entirely rest on its own authority, adopting the principle and practice of bills of indictment.

Amendment adopted. Clause passed.

The second clause was then read. It is as follows:—

"And, whereas, during the present Session of Parliament certain warrants have been granted by the Speaker of the House of Commons, under the authority of the said House, in relation to the matters aforesaid; and a certain action or actions have been, or may be, brought for certain alleged trespasses in the execution of the said warrants, and it is expedient that such action or actions should be put an end to, and finally determined, discharged, and made void by virtue of this Act; be it enacted, that all and every action or actions hereafter brought or prosecuted by any person or persons for or in respect of any alleged trespass or trespasses under or in execution of any warrant or warrants granted by the Speaker of the House of Commons, by authority of the said House, since the commencement of the present Session of Parliament, shall be put an end to, and finally determined, discharged, and made void by virtue of this Act."

Sir *E. Sugden* rose to move the omission of this clause. He had been in hopes that the noble Lord opposite would have been induced to withdraw this part of the measure, which did not form any portion of the original bill. He could not consent to the clause, because neither he nor the House knew anything of the merits of the actions which had been brought. He had agreed to put an end to the actions brought by Stockdale, because he believed them to rest on frivolous and vexatious grounds, but he could not go so far as to assent to the enactment now proposed. There was no quetion that warrants issued by the Speaker were valid warrants, and maintainable in courts of law. Nevertheless, legal warrants might be illegally executed. He repeated, that the House was not cognizant of the merits of the actions; it did not know whether or not its servants had misconducted themselves, and therefore it ought not to determine that those actions should not be prosecuted. In the case of "Jay and Topham," the Sergeant-at-arms had improperly exacted 30*l.* from the party he arrested, and a court of law ruled that the Sergeant, though authorized to arrest, was not authorized to inflict this penalty, and that he was not on that account protected by the privilege of the House. This decision received the sanction of every lawyer and constitutional writer. If the officers of the House did not misconduct themselves, then the Speaker's warrant would be a perfect defence to them; but if they misconducted themselves, they were bound to pay damages for their misconduct. He believed the clause to be contrary to the law, and to the true principles of the Constitution, and that if it were carried, it would tend to damage the character of the House, and to endanger the success of the bill. For all these reasons he moved that the clause be omitted.

Lord *J. Russell* said, that if the House did not put a stop to these actions, which were all connected with the case of privilege, they would be perpetually renewing, and involving the House in difficulties by opening each time the whole question of privilege. As a matter of expediency, therefore, they ought to put an end to these actions, or every sort of frivolous action would be raised against their officers. The fact, he believed, was, that with respect to Howard and these persons, no injury whatever had been done—the whole was a scheme to get money and to get notoriety.

Sir *R. Peel* wished to present to the House the conflicting considerations which arose in his mind, and caused him considerable doubts whether the clause ought to be retained or expunged, and he should be very much guided in his vote by the opinions which should appear to be entertained by the House, on the points which had caused his embarrassment. He thought that it would be a very proper course to put an end to all these actions. He did not think that there was anything unjust as to the particular case of Howard in putting a stop to the action. He did not believe that any real injury had been done. His doubts were not on these points, but he feared lest they should be prejudicing their privileges by this clause. The protection given by it to the Sergeant-at-Arms executing the Speaker's warrant was not general, but special, being limited to extend only to the present Session. If, then, they avowed that they could not trust to their privileges for the protection of their officers during this Session, did they not so far weaken their claim to those privileges in other Sessions? The question might arise in case of a refractory witness refusing to attend a committee. These were his doubts, which he hoped would awaken the attention of those who were better able to decide the question before the third reading of the bill.

The *Solicitor-General* said it was competent for Mr. Howard to show if their officers had exceeded their commissions. He argued that the House of Commons were acting in precisely the same manner that the other Courts did. They all insisted on the conduct of their executive officers being (where wrong) complained of only to themselves. The Courts of Chancery, of Common Pleas, all acted in this way, and it was not unusual for the House of Commons to stop actions against their officers, leaving those who claimed the right of action for injury to appeal to itself. He instanced the cases of Hesse and of Hyde (justices of the peace), and would be prepared to quote several others. He knew that Mr. Howard himself did not expect they would plead in this case. He felt that the present action was brought to entrap them by appealing to their feelings. Mr. Howard and his coadjutors virtually said to them, "You shall either submit your privileges to the opinions of the courts of justice, backed by those of the House of Lords, to whom they may be referred by appeal (if you plead), or you must show a determination to protect yourselves by imprisoning us for such a length of time as will effectually deter us from opposing you." They must put a stop to all these actions by this clause, otherwise their legislation would be idle.

Sir *E. Sugden* thought it would be necessary to make every just allowance for any just cause of complaint which Mr. Howard might have, otherwise the House of Lords, to whom the Bill would shortly go might be induced to listen to his complaints.

Sir *Charles Grey* felt that it was imperative to check completely all the vexatious proceedings connected with this question by a comprehensive clause. He begged to suggest to the Noble Lord whether it would not be better to say at once that, when any of their officers were sued for acting under the warrant of the Speaker, they should be enabled, for their own protection,to file a certificate and an affidavit, if it were thought necessary, that the alleged transgressions had only been committed in execution of that warrant. Then he certainly agreed that any alleged excess of authority would much more properly be inquired into before that House than before a Court of Law, and that, he thought, would answer the objection of the right hon. Baronet the Member for Tamworth.

Sir *E. Sugden* wished to remove any impression which the Solicitor-general might have made by the parallel which he had attempted to draw between the proceedings of the Court of Chancery and of that House. It was very true that the Court of Chancery did not permit persons to bring actions against its officers for anything which they might do in executing the orders of the Court, but it was equally true that if the officers misconducted themselves the Court interfered and referred it to the Master to grant compensation for any injury which the party should appear to him to have sustained. This House, however, never had any such jurisdiction, and he hoped he should never live to see the hour when that House would take upon itself to assess damages on claims for compensation of that nature. The House had no money properly applicable to such a purpose. It possessed no officers, no tribunal fit to discharge that duty. Then, again, if the principle upon which they were going was right, they were bound to make it perpetual. These difficulties would not end with the session; but it seemed only to be desired, on the part of the advisers of the Crown, to have some indemnity for the present, in order to avoid the necessity of pleading in a Court of Law. In these questions of compensation it was impossible for the House to ascertain whether any and what damages any individual had sustained. What was the use of asking a man whom they had already committed to Newgate to come forward and tell them what his complaint against them was? It was desirable that, as far as was possible, their privileges should be considered as a part of the law of the land, and, without printing those privileges at all, any question as to the excess of authority on the part of their officers might be settled by a Court of Law. He was willing, however, to allow the consideration of this clause to be deferred till a future stage.

Lord *John Russell* said—I am glad that the right hon. Gentleman has consented to postpone the omission of this clause and to reserve its consideration; and it is, therefore, sufficient for me to say that I am most happy to adopt that course, and I am the more satisfied with it because my learned Friend the Attorney-general is absent from the House, being employed by the Government on the circuit, and he will in all probability be present upon the third reading. The Solicitor-general, it is well known, has a strong opinion that this clause ought to form part of the Bill, and I shall be glad to hear the reasons upon which my learned Friend would contend that it ought to be maintained.

Clause agreed to.

Sir *E. Sugden* rose to propose a clause which he hoped would be favourably received by the House. He thought it extremely necessary that the power which they now proposed to take should be accompanied with some guards and limitations; because they must be aware that, by this bill, the House would have a power which no other House of Commons had ever possessed. Whatever might have been the extent of their privileges, this bill conferred upon them one entirely new, when it enabled them by the certificate of the Speaker to stop at once any action brought against the parties concerned in the publication of the papers of that House. That was a very great power, and it rendered it highly necessary to guard against any careless introduction into reports of matters calculated to be injurious to individuals. Now it appeared to him also that they ought to guard that power by the introduction of a clause which should prevent them from having in custody at once the person who brought the action, and at the same time to exercise the power of putting an end to the action, because he apprehended the only use of committing persons was to get rid of the action. If they thought it desirable to keep the prison cells of that House full, that was one thing; but if they thought it desirable not to raise the public mind, as it had been raised by the recent committals, the introduction of this clause was calculated to advance that object. The hon. Gentleman then moved a clause to the effect that when any civil or criminal proceeding against the officers of the House had been finally put an end to, any person committed by either House for having taken part in these proceedings should be forthwith discharged out of custody by the House which committed him; and to that he proposed to add a proviso that nothing contained in the above clause should be construed to increase the privileges of Parliament.

On the question that the clause be brought up,

Lord *John Russell* said—I object to the bringing up of that clause. I believe when there is any objection to the principle of a clause as being totally irreconcilable with the principle of the bill, the proper course is to object to its being brought up. This clause seems to me to be a direct limitation of the privileges of this House; and, besides that, it is an interference with particular acts of the House upon questions of privilege. I think, therefore, that neither this or the other House of Parliament could properly entertain this clause. The House has already agreed to the proposition that the privileges of this House are not affected by the bill; but the hon. Gentleman now proposes to bring up a clause which directly affects their privileges.

Sir *E. Sugden* thought it scarcely courteous in the noble Lord to make a formal objection to the clause being brought up. If he would allow it to be brought up, and then put and negatived, he should be satisfied; but if the noble Lord would not consent to that, then he should take another opportunity of moving for leave to bring up the clause and dividing the House upon it.

Lord *John Russell:* I object to the clause being brought up, and I leave it to the hon. Gentleman to pursue what course he may think fit.

Motion that the clause be brought up negatived.

Mr. *J. Jones* had a clause to propose. This House, it was to be remembered, had no power of taking evidence upon oath. It was all mere assertion; and in consequence of that the same person had been known to give very different testimony before that House from what he had given before the House of Lords: and when called upon to explain the variance, had said that it was because he was on his oath in one place, and not in the other. There were cases, too, in which Members of that House were called upon to give evidence at great length. That evidence was not unfrequently given back to them to supervise; and it was always returned in a very different state from that in which it appeared before. The object of his clause was to render false evidence given before that House liable to the same punishment as if it were given on oath.

The *Chairman* thought that that clause did not come within the scope of the title of the bill, which was for the summary protection of persons employed in printing papers authorised by the House.

Mr. *Jones*, with great submission, differed from the hon. Chairman. He thought any clause admissible which gave to those publications a more serious character.

Mr. *Bernal* said if that were the general feeling of the Committee he would not oppose it; but it did not concur with his own impression.

Mr. *Jones* spoke with great diffidence on the subject, because hon. Members might, perhaps, have some other remedy for the evil; but, in his opinion, some provision of the sort ought to be made. The hon. and learned Member for Dublin had stated that those who opposed the privileges of the House were either Chartists or Ultra-Tories. Now he was not an Ultra-Tory — neither was he a Chartist, certainly. It would not be difficult to impute motives to hon. Gentlemen opposite, but that course had not been pursued, and the hon. and learned Member ought at least to give those who were opposed to him on this question credit for the honesty of their views. The hon. Member concluded by proposing his clause. "That persons giving false evidence before committees be liable to the penalties of perjury."

Mr. *M. Attwood* hoped that this clause would be met upon its merits rather than upon any mere form or technicality. His conviction was, that the whole of these coercive measures which had been adopted by the House were calculated ultimately to restrain and confine the publication of useful information. The libel in this case came out upon an examination before the House of Lords; but he was sure that the House of Lords would not have permitted that examination to have been carried on with that licence and latitude which frequently prevailed if they had intended it to be published. Yet that House was now going to give to any committee of some six Members the power of publishing whatever might seem to them to be necessary and useful. It had been established in debate that in one case three-fourths of the evidence as published by Hansard consisted of matter not one word of which had been uttered before the committee; and there was another case, in which an hon. Gentleman, the Member for Bridport, having been examined before a committee of that House, and having received from Mr. Gurney a copy of his evidence for the purpose of revision, made additions to that body of evidence which nearly doubled its length, and very considerably altered the original half; and yet the House was now going to throw the protection of an Act of Parliament round that publication, whatever it might contain. He should give his warm support to the clause of the hon. Gentleman the Member for Carmarthenshire, as being calculated to do away with that looseness of examination which had been so much practised. The House ought, as soon as the difficulty arose, to have examined into the state in which their privileges actually stood, and to have seen how they could have been properly abandoned or maintained; but the House had lost its course by adopting measures of coercion instead of examination,

The *Solicitor General* was opposed to the bringing up of the clause—first, because he thought it inadmissible within the terms of the preamble of the bill; and secondly, because it was objectionable in itself. Had the hon. Gentleman fully considered what might be the effect of his own clause? He thought it would have a much more extensive effect than it might at first sight appear. Persons very seldom attended committees to give evidence voluntarily. Their attendance was generally compulsory. And what was the nature of the evidence they were often called upon to give? Not such as was given on a legal trial, before a jury, where the witnesses were only required to speak upon some definite point in issue; but before a committee they were called upon to give information upon subjects very much at large, and were often very little apprised when they came before the committee what were the questions that were about to be put to them. Again, they were examined by Gentlemen who knew nothing of the rules of evidence; nor were the questions confined to the personal and legal knowledge of the parties examined, but were frequently extended to mere matters of hearsay and conjecture. If the witnesses had an option of declining to answer the questions put to them, then some ground might be shown why they should be made responsible for the evidence given by them; but if they were made to attend upon compulsion, what had they to do with the matter if that evidence were improperly circulated? They had nothing to do with it but to lament it. If the House compelled persons to come from all parts of the world to give them information, to what extent did they expect that information would be given if the parties giving it were to be made liable for its subsequent publication by the House itself. In thus looking at the clause, he thought its adopiton would have the effect of most materially impeding inquiries by the House. This, however, was quite a distinct question from that which the hon. Member for Whitehaven had complained of. It did not follow that every thing which the House thought proper to collect in the way of information upon any subject ought to be published, though he certainly thought the House ought to have the right of publication, if it should choose to publish the testimony they had obtained. Why, the very object of instituting inquiries into abuses was to get at what might be called defamatory matter. They might wish, for instance, to know what had been the misdeeds of persons holding public offices abroad. The interest of the country at large demanded that the House should have the power to institute such inquiries. When the hon. Member for Whitehaven spoke of protecting the rights of the people against the inquisitorial powers of the House of Commons, he (the Solicitor-general) would ask, what part of the people it was whose rights the hon. Gentleman was anxious to protect? Was it the great bulk of the people, who knew what were the rights which Parliament ought to possess, and who had the greatest interest in the maintenance of those rights? No: it was not of them that the hon. Member spoke; it was on behalf of the few that he made his appeal, who might be liable to imputations, and on whom the testimony given before a committee might reflect unfavourably. But had the House of Commons the right to resign its privileges? The people of England knew well what those privileges were, and knew how important to the public interest it was that they should be preserved; and did the Members of that House come there to betray their trust to the public by resigning them? On the contrary, was it not their duty to exercise those powers for the public benefit? They were the trustees only of every privilege that the House possessed, and they would abandon and betray their trust whenever they consented to resign them. They would be unfaithful stewards if they resigned privileges which no one could foretel the period they might be called upon to exercise in support of the best interests of the country.

Mr. *Jones* did not think the objection raised by the chairman, on the ground of informality, had been sustained by the hon. and learned Solicitor-general. The objection was, that the clause did not come within the title of the bill. The title of the bill was this:—"A Bill to give summary protection to persons employed in the publication of Parliamentary papers." Now, what was it that the second clause of the bill provided for? It was to stop all actions that might have been brought against the subordinate officers of the House, for carrying the Speaker's warrant into effect. What, he should like to know, had such a clause to do with the publication of papers?

Mr. *Halford* supported the clause. Was private character to be at the mercy of the House, by publishing the particulars of every investigation? In his opinion they ought to take steps to prevent mischievous statements, given at random, from being published.

The House divided on the question of bringing up the clause:—Ayes 20; Noes 120: Majority 100.

List of the Ayes.

Broadley, H.
Darby, G.
Duncombe, hon. W.
Fitzroy, hon. H.
Glynne, Sir S. R.
Halford, H.
Henniker, Lord
Inglis, Sir R. H.
Mackenzie, T.
Mackinnon, W. A.
Mahon, Visct.
Maunsell, T. P.
Perceval, Colonel
Polhill. F.
Richards, R.
Smith, A.
Tennent, J. E.
Vere, Sir C. B.
Williams, W.
Young, Sir W.

TELLERS.

Attwood, M.
Jones, J.

List of the Noes.

Abercromby, hn. G.R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Baring, right hn. F. T.
Barry, G. S.
Berkeley, hon. H.
Blair, J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.

Buller, Sir J. Y.
Busfeild, W.
Butler, hon. Colonel
Callaghan, D.
Chetwynd, Major
Clay, W.
Collier, J.
Collins, W.
Corbally, M. E.
Courtenay, P.
Curry, Serjeant
Dalmeny, Lord
Dalrymple, Sir A.
Douglas, Sir C. E.
Dundas, C. W. D.
Du Pre, G.
East, J. B.
Elliot, hon. J. E.
Ellis, W.
Evans, G.
Evans, W.
Fitzalan, Lord
Fitzroy, Lord C.
Gisborne, T.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hn Sir C.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Herries, rt. hn. J. C.
Hindley, C.
Hobhouse, rt. hon. Sir J. C.
Hobhouse, T. B.
Hodgson, R.
Hollond, R.
Hope, hon. C.
Hope, G. W.
Houston, G.
Hume, J.
Humphery, J.
Hurt, F.
Hutt, W.
Hutton, R.
James, W.
James, Sir W. C.
Lambton, H.
Langdale, hon. C.
Lockhart, A. M.
Macaulay, rt. hon. T. B.
Maule, hon. F.
Muskett, G. A.
O'Ferrall, R. M.
Palmer, R.
Palmerston, Visct.
Parker, J.
Parnell, rt. hon. Sir H.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Price, Sir R.
Protheroe, E.
Rae, rt. hon. Sir W.
Rickford, W.
Roche, W.
Round, J.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scarlett, hon. J. Y.
Seymour, Lord
Sharpe, General
Smith, R. V.
Stock, Doctor
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Sutton, hon. J. H. T. M.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Turner, E.
Turner W.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Wilde, Serjeant
Williams, W. A.
Wilshere, W.
Wood, Sir M.
Wood, Colonel
Wood, Colonel T.
Wood, B.
Wrightson, W. B.

TELLERS.
Tufnell, H.
Steuart, R.

Remainder of the bill agreed to.

PRIVILEGE.—STOCKDALE, *v.* HANSARD.—FIFTH ACTION.] Lord *John Russell* moved the Order of the Day for the consideration of the petition of Messrs. Hansard, relative to the action brought by Mr. Stockdale, for a fresh publication of the same matter as was the subject of the former actions. The noble Lord said, he proposed to take the same course as in the last action, namely, to declare that the bringing the action was a breach of the privilege of the House; and he would, therefore, move the resolution agreed to on the 17th February, with the alteration only of the circumstances, as stated in the present petition:—

"Resolved, that John Joseph Stockdale, by commencing and prosecuting the action now depending at his suit against James Hansard, Luke Graves Hansard, and Luke James Hansard, and in which a notice has been given of a declaration filed on the 9th day of this instant March; such action being brought for acts done by the defendants as the officers and servants of this House, and under and pursuant to the authority of the orders and resolutions of this House, made in exercise of the privileges of Parliament, has been guilty of a contempt of this House, and a violation of the privileges thereof; and that all sheriffs, under-sheriffs, agents, bailiffs, officers, clerks, and others, who shall act, aid, or assist in the continuing, furthering, and prosecuting the said action, will also be guilty of a contempt and violation of the privileges of this House, and subject themselves to the severe censure and displeasure of this House."

Sir *R. Inglis* said, that there was some plausibility in the resolution when it passed last time, but there was none now; for they had just been considering a bill, declaring that the bringing of these actions was not unwarranted; and when they talked of the officers, who were they? The Serjeant-at-arms; he was appointed by the Crown. The chief clerk at the table was appointed by the Crown; and even for the choice of a Speaker they required the sanction of the Crown. Having, then, no officer, they could not justify any person acting as such; and, besides, they ought only to protect a man who printed a paper specially ordered to be printed by the House. After the preamble of the bill, however, it was a waste of time to pass this resolution, and he would certainly divide against it.

Lord *John Russell* said, that this was the fifth action brought against Messrs. Hansard for publishing the report of the inspector of prisons, and he did not see why they should now alter the course they took upon the former occasions, and for which the majority of the House thought that they had power. It was an extraordinary assumption of the hon. Gentleman that they were altering or abandoning any privilege by the bill they were now passing.

The bill proposed to give a more speedy remedy for the protection of officers publishing under the authority of the House, and did not abandon any remedy the House already possessed. For himself, he could see no other course that the House could take than pass these resolutions.

Mr. *Law* would vote against the resolution, if it should be pressed, for he thought that the House had neither gained honour nor credit in the course they had already pursued. He would not concur in the committal of any other sheriff, plaintiff, or attorney; and he, therefore, thought, that it was useless to pass another resolution.

The House divided.—Ayes 98; Noes 33· Majority 65.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baring rt. hon. F. T.
Barry, G. S.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Butler, hon. Col.
Callaghan, D.
Clay, W.
Collier, J.
Craig, W. G.
Curry, Sergeant
Dalmeny, Lord
Douglas, Sir C. B.
Dundas, C. W. D.
Du Pre, G.
Elliot, hon. J. E.
Evans, G.
Evans, W.
Fitzalan, Lord
Fitzroy, Lord C.
Gisborne, T.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J. C.
Grey, rt. hn. Sir C.
Harcourt, G. G.
Hawkins, J. H.
Hector, C. J.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, R.
Holland, R.
Hope, hon. C.
Houston, G.
Hume J.
Humphery, J.
Hurt, F.
Hutt, W.
Hutton, R.
James W.
Lambton, H.
Langdale, hon. C.
Lockhart, A. M.
Macaulay, rt. hn. T. B.
Morris, D.
Morrison, J.
Muskett, G. A.
Palmerston, Visc.
Parnell, rt. hn. Sir H.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Protheroe, E.
Rae, rt. hn. Sir W.
Rickford, W.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Seymour, Lord
Sharpe, General
Smith, R. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Surrey, Earl of
Sutton, hn. J. H. T. M.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Tufnell, H.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Wood, B.
Wrightson, W. B.

TELLERS.
O'Ferrall, R.
Parker, J.

List of the Noes.

Acland, Sir T. D.
Attwood, W.
Attwood, M.
Broadley, H.
Buller, Sir J. Y.
Dalrymple, Sir A.
Darby, G.
Duncombe, hon. W.
East, J. B.
Fitzroy, hon. H.
Glynne, Sir S. R.
Goring, H. D.
Halford, H.
Henniker, Lord
Hope, G. W.
Jones, J.
Mackenzie, T.
Maclean, D.
Mahon, Lord
Maunsell, T. P.
Palmer, R.
Perceval, Colonel
Polhill, F.
Richards, R.
Scarlett, hon. J. Y.
Shaw, rt. hn. F.
Smith, A.
Sugden, rt. hn. Sir E.
Tennent, J. E.
Vere, Sir C. B.
Walsh, Sir J.
Wood, Sir M.
Young, Sir W.

TELLERS.
Inglis, Sir R. H.
Law, hon. C. E.

Resolution agreed to. It was also ordered that a copy of it be served on the sheriff and under sheriffs of Hertford.

Supply.—Army Estimates.] House in Committee of Supply on the Army Estimates. A vote of 164,740*l.* was proposed to defray the expenses of the pay of general staff officers, &c.

Mr. *Hume* complained of the great expense at which this portion of the military establishment was sustained, and that the patronage of the army was applied for purposes opposed to the liberal Government of the day. He found, among other charges, one for six aide-de-camps to the Queen. Her Majesty might just as well have six lady's-maids voted to her. He only mentioned this charge by way of illustrating the argument which he meant to urge to the right hon. Secretary at War. He begged to ask a question with respect to the appointment of the lieutenant of the Tower. The late lieutenant was recently dead, and he desired to know whether the office which he held was still to be continued as a sinecure. In the year 1834 it had not been disturbed, out of deference to the Duke of Wellington; but he desired to know whether the successor of the person who held the office was to hold it upon the same terms?

Mr. *Macaulay* said, that the situation referred to was not lieutenant of the Tower but deputy lieutenant only. Upon the death of the gentleman who had last held the office, he wrote to his Grace the Duke of Wellington, to ask whether it was a situation of such a character as could be dispensed with? But his Grace declared his intention to fill the office by virtue of his patent. The noble Duke, however, wrote a letter, in which he stated that it was extremely important that it should not remain vacant, and pointed out that it was highly necessary that when so many valuable stores were placed in the Tower, which might be placed in great danger in times of disquiet or rebellion, the full complement of efficient officers should be in readiness to withstand any attack which might be made.

Sir *A. Dalrymple* said, that no doubt the Commander-in-Chief should mix himself up as little as possible with politics, and he could express his firm opinion that Lord Hill was not influenced by political bias in the appointments he made.

The vote agreed to, as were several other votes.

House resumed.

Copyright of Designs.] Mr. *E. Tennent* begged to call the attention of the House to a doubt which existed, as to whether his bill, which was for the extension of the time of the copyright in designs, was one that came within the standing orders for the regulation of bills affecting trade, and required to be laid before a committee of the whole House. The bill did not interfere with any duties, or touch any question of finance; but he would wish to have the Speaker's opinion as to whether it came within the meaning of the standing orders.

Mr. *Williams* said, the bill was one which did not affect the general trade of the country, as it merely was intended for extending the period of the copyright of designs from three to twelve months.

The *Chancellor of the Exchequer* expressed a hope that the Speaker would give his opinion, and thus remove all doubt.

The *Speaker* said, the question was not whether this bill affected the revenue, but whether it came within the standing order, that bills relating to trade should commence in a committee of the whole House. Since the question had been raised upon the bill, he (the Speaker) had given a good deal of attention to the subject. The original standing order was made in 1703, when a committee of the whole House was substituted for the grand Committee of Trade. In 1771 the order of 1703 was renewed, and it remained a standing order to this day. Of late years the practice had been to apply the order merely to bills relating to foreign trade; but the practice was not uniform. He had looked into all the Acts between 1800 and 1814, and found, that though a great majority of bills relating to trade had been ordered to be brought in by the House itself, still a certain number had originated in committee. So long as the standing order remained on the books, he thought the House ought to adhere to it literally. But the difficulty here was, whether the present bill did so far relate to trade, as to come within the standing order. He had no doubt, in the case of the Copyright Bill, that it did not, because it affected trade only indirectly, and the old Copyright Bill was brought in by order of the House itself. But a certain number of bills had been commenced in a committee of the whole House so like the present bill, that he thought the safer course would be to commence in a committee of the whole House.

Mr. *E. Tennent* would withdraw the bill for the present, and after the commitmittee which had been appointed on the subject, had made their report, he would move for a committee of the whole House to take it into consideration.

Order of the day for referring the bill to a select committee discharged.

HOUSE OF LORDS,

Monday, March 16, 1840.

Minutes.] Petitions presented. By the Marquess of Westminster, from the Parish of Marylebone, for a supply of Purer Water.—By the Duke of Wellington, from Southampton, and Lord Bexley, from another place, against any Alteration in the Corn-laws.—By the Marquess of Bute, the Earls of Haddington, and Aberdeen, and Lord Strafford, from several places, in favour of Non-Intrusion.

Church (Scotland)—Non-intrusion.] The *Earl of Aberdeen*, in presenting petitions from Scotland in favour of the non-intrusion principle, took that occasion to observe, that he had received various communications from different parts of the country, in consequence of some words which he had addressed to their Lordships on this subject, strongly remonstrating with him for advising delay in the settlement of this question. Now, that was a mistake. He never advised that any delay should take place. On the contrary, he blamed the Government for not coming to a decision on the subject. He did, however, say, that he considered precipitation to be worse than hesitation. There was no inconsistency in that. It was proper that such a question should receive due and serious consideration; but it did not follow that those who desired it to receive that due consideration were favourable to unnecessary delay; yet, from all parts of the country he had received communications blaming him for having advocated delay. When the noble Viscount had been questioned on the subject, he had only said that Government had not, at that time, made up their minds whether they would or would not introduce a measure on the subject. They had now arrived at about the middle of March, and he should like to know what decision, if any, the Government had come to. He hoped that the noble Viscount would not now, reverting to his (the Earl of Aberdeen's) remark as to the propriety of due consideration, convert the "ides of March" into the "Greek Kalends," but would speedily inform their Lordships what the intentions of the Government were.

Viscount *Melbourne* said, he could not state that Government were at that moment prepared with any measure on the subject. At the same time he admitted the right of the noble Earl, and of other noble Lords who were interested in this question, to learn the determination of the Government with respect to it at the earliest moment, in order that if Government did not take it up, others who had considered the subject might do so. He should, therefore, take care that their Lordships, at the earliest period, should receive the necessary information.

VACCINATION.] Lord *Ellenborough*, in moving that the House should go into committee on the Vaccination Bill, said, that since it was last before their Lordships, he had seen the Poor-law Commissioners on the subject. He had agreed to certain suggestions made by them, and they had acceded to his views on other points. He wished, therefore, that the bill should now go through the committee, and be printed with the amendments.

The Marquess of *Normanby* had no objection to such a course, but he hoped the noble Lord, at least for the present, would postpone including Ireland in the provisions of the bill, the Poor-law Bill not having yet come into operation in that country. The Poor-law Commissioners had not had time for communicating with that Member of the Board at present in Ireland.

Lord *Ellenborough* thought the bill would be more favourably received in another place if it included Ireland, and, so doing, would remove the imputation that that country was neglected. He was perfectly aware the bill would be inoperative for the present, but it would gradually become so. If the noble Marquess wished to strike it out he had no objection.

The Marquess of *Normanby* would not make any further objection on the subject at present. He agreed with the noble Lord the bill would be more favourably received in another place if it included Ireland. He wished to ask the noble Lord whether he had understood correctly, that he had under his consideration another clause, which not only went to the promotion of vaccination, but the prohibition of inoculation by persons with no medical qualification. He had been in communication with the President of the College of Physicians, and many others connected with the profession, and it was the unanimous opinion the bill would not effect half the objects contemplated by it unless some penalty were attached to prevent the very great evil which arose from this practice. He would suggest to the noble Lord whether it would not be possible to frame a clause, which, without preventing inoculation altogether, did so with regard to persons who had not the proper medical qualification.

Lord *Ellenborough* said, his principle was rather to lead men to do that which was proper, by showing them the benefits that were likely to accrue from such a line of conduct, than to compel them, by penalties, to pursue it. If, however, such a clause as the noble Marquess recommended were introduced, he should not oppose it, although he was adverse to the principle.

The Marquess of *Lansdowne* said, it was right that some provision should be made to prevent the numerous and daily mischief which arose, in consequence of ignorant persons inoculating with the small pox virus. It was not enough that men should be induced by persuasion to pursue a course that tended to their own good; it was necessary, also, that ignorant people should be prevented, by legal enactments, from doing evil to others.

The Bishop of *London* said, it was well known that, in agricultural districts of the country, there had not been for many years past the least difficulty in obtaining vaccination gratuitously, but many of the ignorant poor were strongly prejudiced against it, and paid a much greater attention to empirics than to the advice of the clergy. He thought the bill would not do half the good that was intended, unless those persons were prevented, by penalty, from practising inoculation.

Lord *Ellenborough* would not oppose a clause calculated to produce the effect desired by the right reverend Prelate.

Lord *Ashburton* thought every one practising inoculation should report the same to the registrar of the district.

House in committee.

The Marquess of Normanby's clause, imposing a penalty on any non-professional man who should inoculate any patient, agreed to.

Bill went through the committee.

House resumed.

Municipal Corporations (Ireland). The Earl of *Charleville* had examined the petition from the borough of Liverpool in favour of the Municipal Corporation Bill for Ireland presented by the noble Marquess, and found that it came from Joshua Walmisley, the mayor, and not from the inhabitants of that borough.

The Marquess of *Normanby* said he had stated, that the petition was from the inhabitants, and signed by Mr. Walmisley on their behalf, which the noble Earl would have known, if he had attended to him.

The Marquess of *Westmeath* congratulated their Lordships on receiving a petition presented by the noble Marquess, desiring that municipal corporations might be extended to the intelligence, moral worth, and property of Ireland. He should expect, that when the bill came before their Lordships, the noble Marquess would adhere to the principle laid down in the petition; and he could assure the noble Marquess, that if he would show that was the use, and object, and purpose of the bill, he would give it his cordial support.

The Marquess of *Normanby* was understood to say, that he would leave the noble Marquess to settle that matter with his country. The noble Marquess would surely not deny the existence of property, or intelligence, or moral worth amongst the Roman Catholic population there.

The Marquess of *Westmeath* thought the intelligence, moral worth, or property of Ireland was not confined to the back lanes and back streets of the country.

HOUSE OF LORDS,

Tuesday, March 17, 1840.

Minutes.] Petitions presented. By Lord Seagrave, from Stroud, and another place, for an Alteration in the Po or laws.—By the Earl of Galloway, and Lord Redesdale, against the Grant to Maynooth College.—By Lords Fitzgerald, and the Earl of Galloway, against the Irish Municipal Bill.—By the Duke of Argyle, the Marquess of Londonderry, and the Earl of Galloway, from several places, for Non-Intrusion.

Church of Scotland.—Non-Intrusion.] The Earl of *Galloway* rose to say, that not having been so fortunate as to be in the House during the conversation which took place on non-intrusion the preceding day, he begged to say a few words. He had learnt from the ordinary channels of information (he hoped, correctly), that a noble Earl (Aberdeen) had stated that he had received letters of remonstrance from various parts of Scotland, for having advised the Government to delay the settlement of the church question, and he explained that, so far from having advised, he had rather blamed the Government for the delay which had taken place, but that he had urged on her Majesty's Ministers, if they had thus far postponed the consideration of the subject, not to be induced to come to a rash and precipitate decision at last, which, instead of being accessory to, might be prejudicial to the final and proper settlement of the question. Now, it so happened that these observations fell from the noble Earl the same day that he had thought it his duty, in consequence of the representations which he had received from Scotland, to urge on the Government not to allow another month to pass without an endeavour to effect some satisfactory settlement. He did not say that the noble Earl's observations were intended as a reflection on him, but that, in point of time, they had followed immediately after his observations. Wherefore, in his own defence, he wished to state some of the reasons which had induced him to urge the subject on the attention of Ministers. First, he remembered that the Government had had six month's for consideration, that time and more having elapsed since the collision between the church and the civil courts; next, he remembered the conduct of the Government on the subject of church extension in Scotland; he remembered the professions made by Her Majesty's Ministers, the appointment of the commission of inquiry, the reports which were made, and how, after all, the matter had been staved off from month to month, and from year to year, until finally, having served its purpose—the purpose of the Government, but not of the people—it was abandoned. Then he remembered that the settlement of this question was the prayer of the bulk of the petitions which had been laid on their Lordships' table, many of which he had himself had the honour of presenting; and lastly he was of opinion that if this question was to be discussed in Parliament, it was very desirable the discussion should take place before the House should separate for the Easter recess. These reasons were his excuse for having urged the Government to take the subject in hand. Nevertheless, his respect for the superior information and experience of the noble Earl (Aberdeen), his respect for his talents, his judgments, and his general position in that House, looking to him, while the Government neglected its duty, as the leader on this important Scotch question, had induced him to hold his peace, and silently and respectfully to acquiesce in his views. But now another month had passed, and the Government were unprepared to say, not only what they would do, but whether they would do anything at all. Meanwhile, there were wars and rumours of wars; Scotland was rent by dissensions from end to end, and he regretted to add that some of the clergy, apparently forgetting their sacred office, had torn a leaf from the book of the Roman Catholic priesthood of Ireland, and agitation was going on in a form and spirit unworthy of those who were engaged in it. He did not say this of all the clergy; his respect was too great for that enlightened body; and he knew that many of them, even of the anti-intrusionists, who disapproved of the decisions of the civil courts, deplored the conduct of those brethren in the ministry to whom he alluded. But the peace of parishes had been disturbed, the feelings of amiable and excellent individuals had been wounded and lacerated, and dissension had been fomented between pastors and their flocks. He had been repeatedly requested again to urge the Government to endeavour to pacify the country; but he had abstained from doing so, partly because he believed his efforts would be useless, and partly because he did not feel himself competent to the task, which more properly belonged to the noble Lords near him. He would, therefore, sit down with the simple expression of his own conviction, that the longer this question remained unsettled, the more difficult it would become of solution and adjustment. The noble Earl then presented petitions against the intrusion of ministers, and praying their Lordships to take the law of patronage into consideration, from Kirkpatrick, Durham, Crossmichael, Whithorn, and Mid-Calder.

The Marquess of *Lansdowne* said, he could not allow the observations of the noble Earl, or what might be implied from the language used by another noble Earl, to go forth without stating that neither the noble Earl who had just addressed their Lordships, nor the other noble Earl to whom allusion had been made, was justified in supposing that because the Government had delayed to bring forward a measure on this important subject, there had been any delay whatever in its consideration. So far from it, the fact was, that consideration was given to it at a very early period; and it was only the great importance of the question, and the very circumstances which the noble earl had stated, as to its difficulty, that had prevented the Government from bringing a measure forward. And, he must say, that he would much rather the Ministers incur the reproach, according to the expression of the noble Earl, of delay, than that of launching precipitately upon the question, without an opportunity of making themselves acquainted with all the opinions, feelings, and circumstances, that prevailed in Scotland with respect to it. He was convinced that if they took such a course, so far from allaying, it would materially aggravate those asperities of feeling on this subject which now unfortunately nately prevailed in Scotland. Having stated thus much, it was not his intention to offer any opinion on the subject, nor would he advert to the assertion of the noble Earl, that the Scotch clergy had followed up the principle and practice of the Roman Catholic Church on this occasion, because he could not do so without entering into a dicussion that could produce no benefit, and which had, therefore, be better deferred till the whole question came formally before their Lordships. His noble Friend (Lord Melbourne) had stated that he would immediately give notice when the Government were prepared to introduce a measure adapted to remedy the evils and inconveniences which the noble Earl had described. Then, alone, he conceived, could discussion be usefully prosecuted on the subject. Standing on that ground, he should abstain from remarking further on the observations of the noble Earl.

The Earl of *Galloway* was much pleased, that what he had said had elicited a more explicit declaration of the intentions of Government than had heretofore been given. He was, however, anxious to prevent a mistake going abroad with respect to what he had said relative to the Scotch Clergy, and which had been misunderstood by the noble Marquess. He was far from charging against the clergy of the Church of Scotland that which the noble Marquess appeared to suppose. On the contrary, he had specially stated, that he had the greatest respect for them generally; but he might add, that he knew, of his own knowledge, that some members of that Church had resorted to practices in the course of this dispute, which were very much like those adopted by the Roman Catholic priesthood.

The Earl of *Aberdeen* said, the statement of the noble Marquess was so far satisfactory, because it appeared from it that Government would introduce a measure. [The Marquess of Lansdowne dissented.] Well, then, he supposed that he was mistaken. But, at any rate, he would suggest, that in taking ample time to consider any measure (if a measure were to be proposed) it would be right to keep in view a very important event with reference to the fate of such a measure—he alluded to the meeting, early in the month of May, of the General Assembly. It was of essential importance, if a measure on this subject were introduced, that it should be considered by Parliament before that meeting. He threw out this suggestion only to remind the noble Marquess that great inconvenience would be experienced, if a measure were introduced into Parliament, and left suspended until after that meeting took place.

The Marquess of *Lansdowne* had not stated that Government had decided that any measure would be introduced by them, but that if they decided to introduce one, ample notice should be given on the subject; and if not, that full opportunity should be given for the introduction of a measure by others.

Petitions laid on the table.

Exchequer Records.] Lord *Monteagle*, in laying before the House, pursuant to address copies of all communications between the Treasury and the Controller of the Exchequer, on the subject of certain papers and documents removed from the vaults at Somerset-house to the office at Whitehall-yard, said, that none of the Exchequer records which had been destroyed by order of the late Controller of the Exchequer were of the least importance. They were all examined before they were destroyed, and those that were condemned were, he believed, utterly worthless. The main records of that department had, for a long time, been in a state of great dilapidation, and were kept in a building adjoining their Lordships' House, where they remained until certain alterations rendered their removal necessary. They had then been examined, and many of them had been placed before the public in a printed shape. Those that were destroyed were of a class that had been used as temporary records, and had formerly been sold as waste paper. That practice had been put an end to, and it was considered preferable to destroy the documents when they were no longer useful.

Lord *Redesdale* was sorry that the papers were destroyed, because, although they might be of little value to the Controller of the Exchequer, many persons of an antiquarian turn would be desirous of possessing them at a higher price than that of waste paper. He conceived that there was a very proper and just ground for inquiry when documents were destroyed which might be connected with questions of property.

Lord *Monteagle* said, that before any one single paper was destroyed, a due examination was made by persons considered to be most competent to judge of their worth and value. Of those persons one had been in the public service for forty-two years, and others ten and twelve years. No papers had been destroyed, except under their authority; and it was deemed proper that they should be destroyed, lest they might fall into the hands of improper persons.

Papers ordered to be printed.

HOUSE OF COMMONS,

Tuesday, March 17, 1840.

MINUTES.] Petitions presented. By Sir G. Strickland, Viscount Morpeth, Messrs. Grote, Hume, and M. Philips, from a great number of places, for, and by Messrs. W. Duncombe, Waddington, Colquhoun, and Lord Eliot, from a great number of places, against the Immediate and Total Repeal of the Corn-laws.—By Mr. S. O'Brien, from Limerick, against the Importation of Foreign Flour into Ireland.—By Mr. Lockhart, from one place, and Mr. Hume, from Glasgow, for Universal Suffrage, and Vote by Ballot.—By the same, Mr. Eliot, Mr. Colquhoun, Viscount Morpeth, and Sir J. Graham, from a number of places, for Non-Intrusion.—By Sir J. Lowther, from York, against the Opium Trade.—By Mr. T. Duncombe, from Marylebone, and Islington, for the Release of Lovett and Collins.—By Mr. Stanley, from Chester, against the Beer Bill.—By Lord John Russell, from Prince Edward's Island, Captain Alsager, Messrs. Cartwright, Codrington, Hogg, and W. Duncombe, for Church Extension. —By Mr. Crawford, from China Merchants, for Inquiry into the Seizure of Opium in that country.—By Mr. Colquhoun, from Glasgow, for Revising the Duties on East India Produce.—By Messrs. Cartwright, and Plumptre, from several places, against the Grant to Maynooth College, and against the Irish Corporation Bill.—By Messrs. Codrington, and Freshfield, from Stroud, and another place, for the Release of Mr. Howard.

CHIEF JUSTICE OF CANADA.] Mr. *Leader* rose for the purpose of inquiring from the noble Lord the Secretary for the Colonies, by whose permission and under what authority the Chief Justice of Canada had remained for a year and a half in England. He wished also to know who performed the duties of Chief Justice in that colony, who received the salary, for what purpose did that learned person reside in England, and was it intended, and when, that he should resume his duties?

Lord *J. Russell* said, that the Chief Justice of Upper Canada had received leave of absence in the usual way; that that leave had been renewed from time to time, first by Lord Glenelg, and subsequently by Lord Normanby; that the leave had recently expired; that he (Lord J. Russell) had intimated to the Chief Justice of Upper Canada, his opinion that the time had arrived at which it was desirable that he should return to that colony, and the Chief Justice intended early in the ensuing month to proceed to Canada accordingly. As to the inquiry which the hon. Member made respecting his salary, he could give no positive answer. He presumed that the payment was as usual—half the amount of the regular salary. In his absence his duty, as a matter of course, was performed by the other judges.

PRIVILEGE, STOCKDALE *v.* HANSARD —BILL TO SECURE PUBLICATION.] Mr. *Stuart* brought up the report on the Printed Papers Bill.

Sir *E. Sugden* moved the addition of the clause which he had stated on a previous night, providing that when any civil or criminal process were put an end to by the authority of this act, persons who had been committed by either House of Parliament for carrying on or assisting in such prosecution should be forthwith discharged.

Lord *J. Russell* opposed the clause. It would directly interfere with the privileges of the House, by putting a stop in certain cases to their power of commitment.

Sir *R. Inglis* supported the clause. He regretted that the noble Lord had taken his present course before time had been allowed for the consideration of the petition, which he had presented that evening from the printers of *The Times* and *Morning Post* newspapers, praying that such protection as the House thought it necessary to give to their own printer and publisher might be extended to them.* If

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* The following is the petition alluded to by the hon. Baronet.

"TO THE HON. THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, IN PARLIAMENT ASSEMBLED.

"The humble petition of John Joseph Lawson, of No. 26, Newington-crescent, in the parish of St. Mary, Newington, in the county of Surrey, printer, and Thomas Payne, of No. 23, Pembroke-square, Kensington, in the county of Middlesex, printer, showeth—

"That your petitioners are printers and publishers of certain newspapers published daily in London, and severally entitled *The Times* and the *Morning Post*, and are responsible for the contents of those papers.

"That, to the conducting in an adequate and efficient manner the business in which your petitioners are engaged, and which consists in diffusing as widely as possible throughout the United Kingdom and its dependencies the fullest and most accurate information they can procure in relation to all affairs of public interest, it is indispensably necessary, upon the House thought fit to give protection to their two printer and publisher, and excluded others from that protection, all persons who were injured, or who thought themselves injured, by the orders of this House, finding that they had no redress against the officers of the House, would bring their actions against those who had done nothing but copy extracts from the reports printed by the printer of the House. If they gave protection to the printer of the report of the New Zealand Committee, because it was bound in a blue cover and printed and published by Messrs. Hansard and Nichols, they ought also to give the same protection to the printer and publisher of any daily paper in which those reports or extracts from them were reprinted *verbatim*. Many hon. Members did not read the blue-covered books at all, but collected all their knowledge of them from certain portions of those books which were printed in the daily papers. If those portions were *bonâ fide* transcripts published without mutilation, and the House gave protection to their own printer, it was hard to refuse that protection to those who merely transcribed those portions. He knew that there were legal difficulties in the way, and it was not for him to presume to suggest the mode of extending the protection; but he thought there were many hon. Members in this House who could suggest a mode that would be satisfactory. All he wanted was, that if no action could be brought in respect of the blue-book, no action should be brought in respect of any identical extract from it being printed in the broad sheet. He trusted that on the third reading the noble Lord would not refuse his consent to the consideration of this question, and that some professional Member of the House would take up the subject.

Clause negatived without a division. Report agreed to.

UNIVERSITY OF GLASGOW — PEEL CLUB.] Mr. *Wallace* rose for the purpose of moving, in pursuance of the notice which he had given, for a

> "Return, showing in columns, the names and status of the office-bearers and professors in the university of Glasgow, who have been enrolled, or are now members of the political club called the University Peel Club; together with the names of those of the above who have held or now hold honorary offices therein, or who attend the convivial or other meetings thereof, with the name of the offices held by each; together with the whole number of students, and that of those from each class of the university in the said club, and the probable age of the youngest students belonging to the logic, Greek, and Latin classes: also the date of the origin of the club, the place or places of the meetings of the aforesaid club, and whether these are held within or without the parish walls: and also for a similar return as respects the Glasgow University Liberal Association."

His object in moving for these returns

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occasions of frequent recurrence, that your petitioners should reprint and republish in their respective newspapers the whole or selected portions of reports and other documents previously printed and published by order of your hon. House.

"That the utility of such reports and documents depends in a great degree on their receiving publication through the medium of the public press.

"That your petitioners are liable to prosecution by indictment or information, as well as to actions at law for the recovery of damages, so often as anything contained in the reports or other documents first printed and published by order of your hon. House, and subsequently reprinted and republished by them, may be deemed by any individual whatever, to reflect in any manner upon his character, or to be in any degree injurious to his private interests.

"That your petitioners are apprehensive, if legislative protection against such prosecutions or actions at law, be given exclusively to the original printers and publishers of Parliamentary reports, or other documents connected with Parliamentary proceedings, that prosecutions or actions at law against your petitioners, who are often compelled, in the regular and ordinary course of their business, to reprint and republish the same, may thereby be rendered more frequent, vexatious, and oppressive.

"Your petitioners, therefore, humbly pray your hon. House that you will not pass any act having for its object or effect to prevent prosecutions or actions at law, against the original printers or publishers of Parliamentary reports or other documents, unless such act shall contain a clause or clauses to prevent in like manner prosecutions or actions against your petitioners, and the registered proprietors of the said newspapers, for reprinting and republishing the same in whole or in part.

"And your petitioners will ever pray, &c.

"JOHN JOSEPH LAWSON
(Printer and publisher of *The Times*).
"THOMAS PAYNE
(Printer and publisher of the *Morning Post.*")

was to obtain such information as should justify the House in taking ulterior measures for the suppression of associations of a political character within the walls of a learned university. The association to which he wished more particularly to call the attention of the House had been represented as being formed for literary purposes, but the fact was, that from its origin to the present time, it had always had a decidedly political tendency. For this reason he condemned it, and condemned equally the liberal club, which had been formed in opposition to it, and to which he had refused to belong. He did not know whether associations of a similar character existed elsewhere; but if any such associations existed, he thought measures ought to be taken for their suppression. He found among those who belonged to this association, University officers who were paid with the public money: he found that, at the institution of the club, it had been presided over by a most learned and distinguished professor, Sir Daniel Sandford, and was held in the room appropriated to the Greek class. Now, when it was considered that many of the students at the University of Glasgow were between thirteen and sixteen years of age, a large number being no more than fourteen years old, he was sure no one, either within or without the walls of the House, would consider it a wise course to permit mere children like these to hold convivial meetings, at which they were encouraged by the excitement of toasts and speeches to prolong their sittings to late hours of the night, and to drink wine *ad libitum.* He found that no less than five of the professors of the University were members of this club, or visitors at its convivial meetings, while, on the other hand, he found that those professors who entertained political opinions of an opposite nature, did not suffer themselves to be so misled, as to belong to the club which had been set up as an antagonist to the Peel Club, but expressed their disapprobation of persons in their situations joining any political association in the University. Such were the sentiments of three of the professors, Professor Noel, Professor James Thomson, and Professor Thomas Thomson, as appeared from letters written by those gentlemen, of which he (Mr. Wallace) held copies in his hand. The great objects for which the Peel Club was established was, the election of a Lord-rector entertaining political opinions of a Conservative character, and the general diffusion of Conservative principles throughout the country. The hon. Member concluded by moving for the returns specified in his notice of motion.

Mr. *Colquhoun* could not understand what the House of Commons had to do with the proceedings of the young gentlemen who had formed themselves into the association alluded to by the hon. Member. These gentlemen had to choose a lord rector by popular election, and probably met to make arrangements for that purpose. Yet the hon. Member for Greenock, who professed to be the advocate of popular rights, wished to put down their meetings as soon as they appeared to be favourable to Conservative principles. The hon. Member said, that if he had known of political meetings held at universities elsewhere, he should be willing to adopt the same course with respect to them. Now, he (Mr. Colquhoun) looked around him and saw many hon. Members, both on his own and on the opposite side of the House, whom he recollected to have met when an under-graduate at Oxford at a society which met for the express purpose of discussing political questions, and he could only say, that those hon. Members, as well as himself, at that period, would have felt much obliged to the hon. Member for Greenock, if he had done them the honour of moving in the House of Commons for a return of the members of the society, and a copy of its rules. He would suggest an addition to the motion of the hon. Member, and would recommend him to move also for a return of the toasts which had been proposed at this club, in order to bring the whole matter fully before the House. With respect to the students meeting in the Greek class-room, he presumed that the students merely assembled there previously to the meetings of the class, in order to prepare for an approaching election of a lord rector. If this motion were agreed to, there was no reason why similar returns should not be moved for with respect to the Union at Cambridge, or the Debating Society at Oxford.

Mr. *Hume* said, the ground on which he supported the motion was, that the Glasgow University was supported by the public money, and he thought the encouragement given to the establishment of political clubs within its walls tended to produce insubordination. The hon. Gentleman had alluded to the Union Club at Cmbridge, but he had yet to learn that the professors were connected with it, and that the current political topics of the day formed the subjects of discussion. He trusted the noble Lord (Lord J. Russell) would, if he desired to promote education in an university supported by public money, institute an inquiry for the purpose of ascertaining how far the professors neglected their duty by thus interfering within the walls of the university in political matters. He trusted that his hon. Friend would alter his motion, and move for a committee of inquiry.

Sir *J. Graham* doubted whether it would have been necessary for him to address the House at all on the present motion, for he agreed with the hon. Member for Kilmarnock, that the British public would conclude that that House did not duly appreciate the vast national interests to which it ought to attend, if it wasted any time in such a discussion. But, considering his connexion with the Glasgow University, he felt bound to say a few words, in order to set right one or two misrepresentations of fact which had been made by the hon. Gentleman opposite. It had been imagined by the hon. Member for Greenock, that the institution of which he complained pretended to be a literary institution. He disclaimed any such pretence on the part of the Peel Club. It was frankly avowed to be a political institution. Owing to the peculiar functions which the Glasgow University had to perform in choosing a lord rector every year, the Peel Club was formed for the purpose of forwarding the election of a lord rector whose opinions were similar to those of the right hon. Baronet, whose name it bore, and also for the purpose of supporting those political opinions. The hon. Gentleman said, that the Peel Club was the first example of such a political institution within the walls of the Glasgow University. There never was a grosser error. The person elected as lord rector for one year held by courtesy the office for two years. In 1822 Sir J. Mackintosh was elected, in opposition to Sir W. Scott, by the casting vote of the preceding lord rector, and held the office until 1824. In that year, a violent contest also took place, and Lord Brougham was chosen by the casting vote of Sir J. Mackintosh. In 1826 Mr. Campbell, the distinguished poet, was elected lord rector, and an attempt was made to prolong his tenure of the office for a third year, contrary to precedent, which proved successful. He would now notice the error into which the hon. Gentleman had fallen, when he said that the Peel Club was the first political association formed within the walls of the Glasgow University. The fact was, that in 1828, on the re-election of Mr. Campbell, a club was founded which was called the Campbell Club, and that had existed up to the present time. Other elections followed, in which individuals holding the same political opinions were successful; and the consequence was, that a strong feeling was excited against this monopoly of distinction in connexion with party. At length, when the right hon. Baronet near him was chosen, an association was formed for the purpose of counteracting the influence of the Campbell Club, and this new association was called the Peel Club. With strange inconsistency, the hon. Member for Kilkenny, while he condemned the institution of the Peel Club, wished that he was a member of the Glasgow University Liberal Association. He was surprised that the hon. Member should now feel so much unwillingness for polical agitation. They had it from high authority—from a noble Lord holding place in the councils of her Majesty—that agitation was a Conservative principle, and in proof of this statement the noble Lord quoted a classical maxim, *quæ perpetue sunt agitata, manent.* Were, then, hon. Gentlemen opposite alarmed at agitation if it proceeded from any side but theirs? He saw two hon. Gentlemen opposite who had recently returned from a Scotch election. They knew now what were the political sentiments which prevailed in Perthshire, and it seemed as if the hon. Member for Greenock was beginning to feel uneasy, and that some anxiety was also felt with respect to Glasgow, in consequence of the demonstration of Conservative principles. The hon. Gentleman now understood that agitation might be as powerful for one party as for another. While the lord rectors belonged to the political party of the hon. Gentleman opposite, not one word was said against the existence of the Campbell Club, and it was only when the lord rectors were Conservatives that occasion was taken to make this trumpery complaint against the Peel Club. The hon. Member for Greenock had condescended to inquire as to what toasts were drunk at the meetings of the club, the members of which were not mere boys, many of the students being from eighteen to twenty-five years old. The truth was, that all the information which could be required was before the public, and might be procured for the charge of 1*s*. He repeated, that there was no ground for the present motion, which it was discreditable to the House to discuss, and it really appeared to him that the Speaker felt ashamed at being obliged to read such a motion. Another representation made by the hon. Member for Kilkenny was his statement that the public paid for the Glasgow University. He wished it were so. Formerly 800l. of the public money were granted to the university, but last year that sum was withheld; and though her Majesty had been advised to exercise her power in the creation of professorships, those professorships remained unendowed.

Mr. *Dennistoun* should not have troubled the House were it not for the assertion of the right hon. Gentleman who had just sat down—that the city which he had the honour to represent, was about to change its representative. That right hon. Gentleman ought to have been the last person to have made such a statement; although, no doubt, he spoke feelingly on the subject; for, if he remembered rightly, the right hon. Gentleman himself represented a great northern county, which changed its opinion of him. By the same majority in point of number by which the present Member for Perthshire was returned, the right hon. Baronet was turned out of the great northern county which he once represented. Hon. Gentlemen opposite had stated, that it was wrong to take up the time of the public with such a motion. For himself he must say, that during the last week he had attended three days in that House, at four o'clock, and on no one of these three days had he seen either the right hon. Baronet, or the hon. Member for Kilmarnock present to make up a House. They might make the most of his assertion, but when they complained of the public time being taken up, why did they not attend to their duty and make a House? He must protest against the doctrine laid down, that it was right that the youth of the University should be instructed in political partisanship. There was a greater number of students from fourteen to eighteen years of age than from eighteen to twenty-five. He himself entered the University at twelve and a half, and was not older than a great number of his fellow students. The Liberal Association was formed in consequence of the Peel Club, but one of its fundamental rules was, that the instant the Peel Club was dissolved, it should be put an end to, and he promised that that rule should be complied with.

Mr. *Warburton* said, the question was put to Principal Macfarlane as to the age of the students, to which the reply was, that in the Latin and Greek classes the average was fourteen years. Being asked how many entered younger than fourteen, he said, "Many entered at eleven or twelve. I have known some students enter at ten. Of course the youngest student had the same voice in the election of Lord-rector as the most eminent member of the University." Professor Macgill said, "The mode of election, in my opinion, is productive of very bad effects upon the students of the Universty. I think it destroys their habits as students. I think it of great importance that the mode of election should be altered;" and he went on to say, on being asked whether the elections led to idleness and insubordination for some time subsequent, that the effects were different at different times, and that they were chiefly manifest in cases of persons of more advanced years, who repaired to the University from England, and who were for the most part Dissenters. He further declared that there could be no doubt that political divisions arose among the students, when two gentlemen of opposite politics appeared as candidates for the Lord-rectorship. He also said, that for some time politics had been the ruling principle among the students. He could go through the evidence, and show that all the professors, with one exception, declared, that the political excitement which existed was unfavourable to the instruction of youth. "Do, then," said the hon. Member, "do let us act fairly and honestly, and put a stop to a custom which is more honoured in the breach than the observance."

Sir *R. Peel* said, that as the subject was under consideration, he said too, "Do let us act fairly and honestly." The hon. Member had read a portion of evidence which had been in his possession these eight or nine years; how happened he never to have referred to it before? After the continuous election, during so long a period, of Lords-rectors of the same opinions as hon. Gentlemen opposite; after Mr. Cockburn, Mr. Jeffrey, Lord Archibald Hamilton, Mr. Brougham, and Lord Lansdowne, had been successively elected, and after the rejection of Sir Walter Scott, without any objection being taken to the mode of election by the hon. Gentleman, now at last, when a turn had taken place in the public opinion of the University, the hon. Gentleman having had by him this evidence for no less than eight or nine years, comes forward and says, " Let us act honestly and fairly, and put a stop to the mode of proceeding." But would it not have been fair in the hon. Gentleman, when he read the evidence, to have also read the report of the commissioners? They said, that notwithstanding the representations that had been made to them, and the opinions expressed in the evidence, they were inclined to think that great advantages arose from the election of the Lord-rectors by the students. Yet the hon. Gentleman, in his desire to act fairly and honestly, reads the evidence, but omits the report. Now, what was the truth? In 1727 the students had been first invited to take part in the election, and from that time the right had been held and exercised by them, and among other instances of the commendable exercise of it, was the case of Mr. Burke. Indeed, he thought there was a strong evidence of the integrity with which it had been exercised, that during so many years the Lord-rectors had been chosen from the Opposition to the Government of the day, and when he saw them exercising this right of election so well, when he saw them appointing men so eminent—he would not mention any one then present in the House—as Mr. Cockburn, Mr. Jeffrey, and Lord Lansdowne, he should pause before he assented to the proposition for abolishing such a custom. Who was his opponent on his election in 1836? The Attorney-general. The political party with whom the Attorney-general was connected did not feel then that these political contests were unfavourable to the interests of the students. On the contrary, they put forward to oppose him (Sir R. Peel) a gentleman holding the highest law office who could be a Member of that House. He soundly beat him; and the consequence was the formation of this club. It was not a literary club. It was a club founded for the purpose of supporting Conservative candidates for the rectorship. This being the case, he would ask, would it not be unwise, after the House knew, and had so long known, that the arts which were usually practised at elections had been resorted to in this instance—would it not be unwise, after so long overlooking the affair, now to institute an inquiry which would serve as a precedent for inquiry into every convivial meeting in the country? He had said that this was a political body, but it was not an exclusively political body. It gave prizes for literary productions. It published a periodical work, in one of which he found a criticism on Coleridge's poetry. Another article was entitled " Mr. Wallace and the Peel Club," and from the spirit with which this was written, he thought he might caution the hon. Member that the bargain he offered would not be accepted. The Club, said a writer in that periodical, felt too well the security of their ground to yield it for so trivial a price. They knew too well the principles of advantageous exchange to make such a bargain. It would have all the appearance of giving gold for copper. The club, then, it appeared, knew their real strength, and he thought that happily they had but little to fear. Hon. Members opposite had a majority in the House, and they claimed, therefore, he supposed, the privilege of putting down an association of this sort. Now, no one was a more strenuous supporter of privilege than he was, but he really could not agree to extend privilege to this case. Had hon. Members opposite, before they had put forward their bargain that the instant the Peel Club should be abolished the Liberal Club should also be dissolved —had they fully calculated their strength to enforce that bargain? How was it that they had not come down to inquire into the constitution of the Peel Club at its first formation, but, instead of that, had enrolled themselves members of the Liberal Club? Far from this, it was not till they found that the Liberal Club was incapable of effecting their purposes—it was not till they found that the principal men of the University were against them, and that they could do nothing against the Peel Club, that they said, " Let us get as great a majority on this question as we can, and so effect by means of Parliament what we cannot effect by our own strength." Was it, then, wise—was it liberal to institute this inquiry? Was it not one of the distinctive marks of a free country to allow of free discussion, to take the advantages and the disadvantages of such a course together? It would be allowed that they must permit free discussion in this country, but then nothing was more unwise, nothing more intolerant, than for the purpose of controlling those who might be politically opposed to them to interfere with freedom of discussion, whenever that freedom tended against their particular views. It was surely intolerance in those who were the advocates of free opinions to say, that in the case of one university, freedom of discussion should not be permitted, and to choose to fix upon that university because it was a political body, having the right of election of its lord rector. For his own part, he felt very much flattered with this debate, because it called to mind recollections of his own election as lord rector; for that election he regarded as one of the proudest events of his political life. It was true he had avoided allusions to politics in his address to the university: but he did while there address some observations on political topics to one of the largest assemblies that he had ever been present at, and he never heard, without recollections of the honours that had been paid him there, of the city of Glasgow, and be should always hold the citizens of it in the highest respect. He wished for nothing more than to see into the whole working of the Peel Club, and he had practised the greatest self-denial in refraining from seconding the motion. Most reluctantly, in consideration of his his duties as a Member of Parliament, had he been withheld from seconding the hon. Gentleman. If this inquiry were to take place, in that part of it which would relate to the convivial meetings of the club, probably the character of the toasts usually given would be an object of interest. He might mention one. Everybody must feel that the character of a toast at a public meeting was partly dependent on the song which followed it. He found that the treasury of this club was very prosperous, and on the occasion of the treasurer's health being drunk, the air was "Money in both pockets." The contrast between their treasury and that of their opponents was striking. But was this really to be the sort of inquiry, and if so, why limit it to one university? Having acquiesced so long in the election of the lord rectors by the students, they must expect to find in the University of Glasgow, as elsewhere, the usual concomitants of elections. Of course, there would be political associations for the purpose of carrying those elections. If it was wrong for the University of Glasgow to have associations of this nature, was it not wrong for Eton? was it not wrong to have anything of the sort in the English Universities? There was a Pitt club, he believed, at Cambridge; would they tolerate that? Where were they to stop? It was better to avoid these difficulties, it was better not to begin. To institute this inquiry would be to establish a censorship on opinions, which might come to be appealed to as a precedent for far other purposes. Were there not in every election of Members to that House some excesses, and did they not overlook these? Was it not the wiser part to be content to take the advantages and disadvantages of freedom together? He hoped the House would not be prevailed upon, after so long an acquiescence in this system, to turn round now because different politics from these which had hitherto prevailed were in the ascendant in the university, and established what he believed must give a fatal precedent of an inquisition into the convivial meetings, toasts, and sentiments of political bodies.

Mr. *Fox Maule* was sure that his hon. Friend the Member for Greenock would bear him witness that since he had seen the notice of this motion on the paper he had endeavoured to persuade him not to bring it forward, deeming it a matter highly inconvenient to be a subject of inquiry by that House. He deprecated an inquiry of this kind as inconsistent with the duties of the House of Commons. At the same time hon. Gentlemen must bear in mind, that after all, the University of Glasgow was little removed from an ordinary seminary in England. Individually he objected to the public election of the Lord Rector by the youth of the University. He might be wrong in his opinion, but he felt confirmed in it. He wished he could say of the Peel club that it had been established solely to commemorate the advent of the right hon. Baronet; for he could never look back to the period of the right hon. Baronet's visit without a feeling of great pride in his native country. He wished that the club had been formed for that purpose alone, and that the professors had not united themselves with the students of the University for the advancement of objects purely political. He asked hon. Gentlemen calmly to reflect what great inconvenience, damage, and danger might not arise to the interests of the University of Glasgow as long as the professors united themselves with the students for the promotion of political objects. Was it not possible that the professors might carry their partizan feelings into their class rooms? Was it not possible that they might show more disposition to advance a student who belonged to their own political party than one who belonged to the opposite party. Was it desirable to promote and foster such a feeling in a public seminary. He thought it would be well if hon. Gentlemen would reflect a little upon these points. In all schools and all seminaries he should deprecate a political contest between the students and the professors. Under the present constitution of the University of Glasgow, he knew it could not be avoided; but he trusted that the professors would see the propriety of withdrawing themselves from political associations of this kind, and, instead of encouraging the students to pursue a system of political animosity, endeavour as far as possible, to shorten the period of political excitement which necessarily ensued upon the election of any new Lord Rector.

Mr. *Wallace*, in reply, observed that two of the Lord Rectors of the University had that evening expressed an opinion decidedly in favour of the encouragement of political discussions in the university, and neither of them had denied that the University itself had been made the arena in which some of these discussions took place. If any grant for the rise or support of the University of Glasgow should this year be proposed in the estimates, he (Mr. Wallace) should then most decidedly take the opportunity of moving certain resolutions, upon which he would positively take the sense of the House, unless, in the meantime, the professors publicly declared that they would withdraw from their political association with the students. After what had been stated by his hon. Friend (Mr. F. Maule), he should not press the present motion to a division.

Sir *James Graham* in explanation begged to state that never, within the precincts of the college, had any permission been given for any political meeting of any kind, either on the one side or the other.

Motion withdrawn.

Office of Coroner.] Mr. *Wakley* said, that until the introduction of an Act in 1837, the expenses of coroners' inquests had been paid by parishes out of the poor rates; but that Act, besides enabling the magistrates to frame a schedule to meet these expenses, had empowered them from time to time to alter and vary that schedule. It gave them no power to rescind former schedules, but the Middlesex magistrates had thought themselves justified in rescinding as well as varying and altering the schedules; and with regard to the recent orders made by the justices, the constables and beadles complained that they had been unjustly deprived of fees to which they were entitled. The consequence was, that the greatest confusion prevailed in the office. Legislation on the subject would certainly be necessary, and as a preliminary to that it was advisable that a Committee of Inquiry should be appointed. He, therefore, moved for a Select Committee to inquire into any measures which have been adopted for carrying into effect, in the county of Middlesex, the provisions of the Act 1 Vic., c. 68; and also into any proceedings of the justices of the peace in relation to the office of coroner in the said county, with power to send for persons, papers, and records, and to report thereon to the House.

Colonel *Wood* should certainly oppose the motion. If any inquiry at all was necessary it ought to be general, and not confined to a particular county. He knew not what was the direct complaint against the magistrates of Middlesex; they had only acted in accordance with the strict letter of the Act, and he objected to the hon. Member availing himself of his seat in that House to institute an inquiry into the conduct of magistrates, upon whom that House had imposed the duty of correcting his accounts.

Mr. *Hume* thought, the argument of the hon. Gentleman had great force. He did not see why the inquiry should be confined to Middlesex.

Mr. *Wakley* said, he was the last man who would object to extend the inquiry into the office of coroner generally throughout the country. He begged leave therefore to alter his motion to that extent, by leaving out the words "in the county of Middlesex" and in the said county."

Sir *T. Freemantle* said, he had been prepared to object to the motion as it originally stood, on the ground that no sufficient cause for it had been shown; but when they proposed an inquiry to extend all over the country, his objection was infinitely strengthened, because not one word had been said of abuse or dissatisfaction in any other county but Middlesex; and even limiting the motion to that county, he thought no sufficient ground for it had been stated. The constable and beadles, it was said, were dissatisfied; but they had had no petitions from them; nothing had been heard of it. There was some question as to the accounts of the coroner of Middlesex; and if that were the true ground of the motion, it ought to be so stated to the House. It had been said, too, that the magistrates had exceeded their power, but the Act clearly gave them the power to alter and vary the schedule—[Mr. *Wakley*, not "to rescind."] But the power of varying and altering was equivalent to that of rescinding. He objected to the motion as it now stood, on the general ground that no sufficient reason had been given for it, and if his hon. Friend thought fit to divide the House he should vote with him even as to the original motion.

Viscount *Palmerston* thought the hon. Gentleman (Mr. Wakley) had been hardly used, for, after having adopted the suggestion of the hon. Gentleman opposite, whose only objection was, that the inquiry was too limited, up got the hon. Baronet opposite and objected to the extent of the inquiry. If it should appear that there was nothing to inquire into, the committee would have short work, and, by extending it throughout the kingdom, all that seemed invidious in the inquiry was removed. He hoped that they should, at all events, have the support of the hon. and gallant Member for Middlesex.

Colonel *Wood* begged the noble Lord's pardon; he had never said, that he should support the motion in any form.

Mr. *Kemble* thought, that the terms of this motion were very unusual. It was a very extraordinary thing for that House to institute an inquiry into the manner in which certain justices had carried into effect an Act of Parliament.

Mr. *Wakley* begged to know whether it would have been proper for him, in that state of the House, to have made a statement on this subject? Would he have been justified in attacking persons who were not in that House to defend themselves? All he asked for was an inquiry by a committee, which would consist of fifteen Members. How could he or any one Member control the fourteen other Members of that committee. Was it desirable, then, for him to go into the whole case? He should be glad to make a statement, which would put the House and the public in possession of information on this question; but feeling it was not just, he had refrained from doing so. He had no objection to extend the inquiry into every county; but he confessed that, so far as he had been able to collect, he thought such inquiries were scarcely demanded, but what was demanded was an investigation in that House as to this particular county. He should like to know which motion the hon. Baronet would support; and if the committee were agreed to, he should be glad if both the hon. Gentlemen opposite would be on the committee to defend the interests of their parties. At present as to the payment of officers, the coroner's office was in the greatest difficulty. Yesterday the constable of St. Andrew's, Holborn, had declined to act, in consequence of the new orders which were issued in December last, so that he did not, at the present moment, know to whom he could legally send his warrant.

The House divided—Ayes 31; Noes 17: Majority 14.

List of the AYES.

Baring, rt. hon. F.
Barnard, E. G.
Bewes, T.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Chichester, J. P. B.
Clay, W.
Duke, Sir J.
Ewart, W.
Grey, rt. hon. Sir C.
Hawes, B.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Humphrey, J.
Lister, E. C.
Lushington, C.
Morris, D.
Palmerston, Lord
Parker, J.
Rice, E. R.
Rundle, J.
Strickland, Sir G.
Turner, E.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Wood, Sir M.
Wood, B.

TELLERS.

Wakley, T.
Hume, J.

List of the NOES.

Bailey, J. jun.
Courtenay, P.
Cripps, J.
Eliot, Lord

Freshfield, J. W.
Gaskell, J. M.
Grimsditch, T.
Hodgson, R.
Hughes, W. B.
Kemble, H.
Knatchbull, Sir E.
Knightly, H. G.
Lowther, J. H.
Plumptre, J. P.
Rickford, W.
Vivian, J. E.
Wodehouse, E.

TELLERS.

Wood, Colonel T.
Fremantle, Sir T.

Leave given.

HOUSE OF COMMONS,

Wednesday, March 18, 1840.

MINUTES.] Bills. Read a second time:—Settled Estates Drainage; Administration of Justice (Ireland).

Petitions presented. By Messrs. Greg, Thorneley, Ewart, Hutt, M. Philips, Labouchere, and Brotherton, Captain Pechell, and Sir G. Strickland, from a very great number of places, for the Total and Immediate Repeal of the Corn-laws; and by Lord Barrington, Sir J. Y. Buller, Lords Worsley, and Eliot, Sir T. D. Acland, and Mr. Palmer, from a great many places, against the same.—By Colonel Davies, from Worcester, against the Opium Trade.—By Mr. Labouchere, from the Belfast Bread and Flour Company, in favour of the Importation of Foreign Flour into Ireland.—By Mr. W. Williams, from Coventry, for the Release of John Thorogood, and the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts.—By Captain Gordon, and Mr. Lock, from several places, for Non-Intrusion.—By Mr. Baines, from Leeds, in favour of Inland Warehousing.—By Sir J. Y. Buller, from one place, against the Poor-laws.—By Mr. Hutt, from Hull, against the Stade Duties.—By Sir J. Y. Buller, from one place, for Church Extension.

DRAINING SETTLED ESTATES.] Mr. Pusey moved the second reading of the Settled Estates Drainage Bill.

Sir *E. Sugden* objected, not to the bill passing through this stage, but to the principle upon which it was founded, which was without precedent in the law of Real Property in this country. He must object to vesting the tenants for life of estates with a power to charge such estates with the expenses of drainage, making it a charge upon the land after the manner of a mortgage. He knew the hon. and learned Member for Galway was in favour of conferring such a power upon the tenant for life, under particular circumstances; but he would assure him that, whatever might be the necessity for such a provision in respect to the drainage of life estates in Scotland or in Ireland, there was no pretext for such an enactment in respect to life estates in this country. If the hon. Member would content himself with referring the bill to a select committee, to examine it thoroughly, he should not, as he said before, object now to the second reading of the bill.

Mr. *Lynch* had, on a former occasion, when a similar measure had been discussed in the House, differed from his right hon. Friend. He would ask, was society to be deprived of the benefit of such improvements as this bill would confer? and was the family to be deprived of them for the mere sake of maintaining ancient regulations?

Sir *G. Strickland* opposed the bill, and thought it was most improper to permit such an interference with vested rights as this bill would effect. If this were permitted, the next step would be to allow the tenant in possession to mortgage the property, for the purpose of building. He thought the ground on which the bill was supported, was the most flimsy he had ever heard.

Mr. *Goulburn* considered it would be most improper to give to the tenant in possession power to encumber the estate with a mortgage for any purpose. He should certainly oppose the bill.

Mr. *Freshfield* thought, the principle of the bill was good. The only difficulty that presented itself to his mind was, the manner in which the expense that might be incurred under the bill in improving the estate should be apportioned. As the tenant in possession would receive an immediate benefit from the improvement of the land, he ought to bear some share of the expense. He should support the second reading of the bill, and hoped it would pass into a law.

Motion agreed to. The bill read a second time, and referred to a select committee.

HOUSE OF LORDS,

Thursday, March 19, 1840.

MINUTES.] Bill. Read a first time:—Metropolitan Police.

Petitions presented. By Lord Rayleigh, from a place in Essex, against the Irish Municipal Bill.—By the Duke of Buccleugh, and Argyle, the Marquesses of Normanby, Bute, and Londonderry, the Earl of Aberdeen, and Lords Lurgan, and Holland, from an immense number of places, in favour of the Principle of Non-Intrusion.—By the Marquess of Normanby, from Stepney, for an Alteration in the Leet Jury system; from Tralee, for the Repeal of the Corn-laws; from a body of Dissenters, against Expending the Public Money in Building Churches.—By the Earl of Glengall, from Clonmel, against Including that Town in Schedule A of the Irish Corporation Bill.

HOUSE OF COMMONS,

Thursday, March 19, 1840.

MINUTES.] Bill. Read a first time:—Tithe Composition (Ireland).—Read a third time:—Mutiny; Marine Mutiny.

Petitions presented. By Sir De Lacy Evans, from Officers of the British Legion, for Arrears of Pay from the Spanish Government.—By Messrs. Stansfield, Freshfield, Hume, Sanford, Baines, Colonel Rushbrooke, Sir Harry Vivian, and the Attorney-general, from a number of places, for, and by Lord Worsley, Sir Charles Lennox, and Messrs. Pusey, and Chute, from several other places, against, the Immediate Repeal of the Corn-laws.—By Mr. R. Currie, and Mr. Hume, from four places, for the Release of John Thorogood, and the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts.—By Sir R. H. Inglis, and Messrs. Hope, and Mackinnon, from several places, for Church Extension.—By Messrs. Fielden, and Hume, from a number of places, for Universal Suffrage, and Vote by Ballot.—By Lord Teignmouth, from the Bakers of London, against Sunday Trading.—By Sir G. Staunton, and Mr. L. Bruges, against the Opium Trade, and the War with China.—By Mr. F. Maule, from one place, for Church Extension in the Colonies.—By Admiral Adam, Colonel T. Wood, and Mr. F. Maule, from several places, in favour of the Principle of Non-Intrusion.—By Sir R. H. Inglis, from one place, against Socialism.

CHINA.] Sir *James Graham*, seeing the noble Lord the Secretary for Foreign Affairs in his place, wished to ask him two questions. The first question was, with respect to Opium. It appeared that a certain quantity of opium had been delivered up by the Superintendent at Canton, under certificate. There was reason to believe that a further quantity of opium had been purchased by the superintendent, and had been delivered up to the Chinese authorities, in order to make up the quantity mentioned in the certificate; no such transaction appeared from the papers which had been laid upon the table. He wished to ask the noble Lord whether such a transaction had taken place, and if there would be any objection to produce the papers relating to it? The second question he wished to ask related to the supposed destruction of the opium surrendered to and destroyed by the Chinese authorities. From those papers it did ot appear that the destruction of the opium ad taken place; the only mention made of it seemed to show that it had been transmitted to Pekin for the use of the Chinese Government. He asked the noble Lord whether he had any other information upon the subject, showing that it had been destroyed or so sent to Pekin, and if so, whether there would be any objection to its production?

Viscount *Palmerston* said, with respect to the first question, what happened was this—the parties in Canton having agreed to deliver up the opium in their or their agents' hands, each house made out a statement of the quantity they had in China, and the aggregate amount was given to the Chinese commissioner. One of the ships containing the opium disobeyed the orders of the superintendent, and sailed away; the consequence was, that there was a deficiency to the amount that ship contained. Captain Elliott purchased a quantity which had subsequently arrived, in order to make up the aggregate quantity. He was not aware that there were any other papers in the office, but if there were, of course they would be produced. With regard to the destruction of the opium, he had no other accounts than those contained in the papers which had been presented. Of course he had seen accounts in the newspapers, but he knew nothing farther officially than that contained in the papers.

Sir *James Graham* saw by the instructions to the superintendent in 1833, reference was made to an order in council for regulating the trade with the port of China. He wished to ask the noble Lord if he had any objection to the production of that order in council? His second question was, whether the noble Lord had received and was ready to produce the remonstrance said to have been made by certain American merchants at Canton against the blockade?

Viscount *Palmerston* said, with respect to these papers, he produced every thing that appeared to him necessary to elucidate the matter, and he had not the least objection to the production of those to which the right hon. Baronet alluded. With regard to the second question, he had not received any report of the remonstrance said to have have been made by the American merchants at Canton.

Mr. *J. A. Smith* observed, that the warlike preparations going on in India being now a matter of public notoriety, and as great anxiety existed on the subject, he wished to ask the noble Lord whether he had any objection to state the object of the expedition, and when it was likely to take place?

Lord *J. Russell* said, in answer to the hon. Gentleman's question, he begged to refer him to the answer he had given on a former occasion to a question put to him by a noble Lord on the other side of the House. He had then been asked whether a declaration of war had not been made by the Governor-general of India against China, and his reply was, that the Government had received no official information on the subject, and could not believe, that report to be well founded, but that it probably arose from the order sent out by the Government to make certain preparations. What he had then stated had turned out to be the fact, as had been proved by the recent arrival of official despatches. The orders sent out were to make preparations to have a certain naval and military force in readiness. The hon. Gentleman now asked him what was the object of these preparations, and he could only state very generally what they were. In the first place, they were to obtain reparation for the insults and injuries offered to her Majesty's superintendent, and her Majesty's subjects by the Chinese government; and, in the second place, they were to obtain for the merchants trading with China an indemnification for the loss of their property, incurred by threats of violence offered by persons under the direction of the Chinese government; and, in the last place, they were to obtain security that the persons and property of those trading with China, should in future be protected from insult or injury.

STADE DUTIES.] Mr. *Hutt* said,* the House will have perceived, from the number of petitions which have been laid on the Table in the course of this Session relative to the Stade Duties, that the subject occupies a considerable share of public attention. So fixed, indeed, do I know that attention to be among a large number of persons in this country, and their expectation of the result of this night's debate to be so earnest, that I confess I wish the question had been brought under the notice of Parliament by some one, who, from his station and personal qualities, as well as from his habits of addressing this House, was more calculated to do it satisfactorily than I am. Upon me, Sir, this responsible task has devolved, as the representative of a great commercial community deeply interested in the question. I shall execute it to the best of my power. I only trust, that in the course of the statement (necessarily of some length), which I must submit to the House, I shall have the good fortune to obtain from the House a degree of attention on account of the importance of the subject, which on my own account I have no pretensions either to solicit or to expect. The subject, Sir, is assuredly of some importance. It relates to questions of trade and manufactures, and thereby involves the welfare of thousands of our fellow-subjects; but it relates also to that moral influence and authority of our flag among foreign nations, without the maintenance of which neither our commerce nor our manufactures could long preserve their pre-eminence. I have come to the House this evening, for the purpose of complaining that the King of Hanover is in the practice of levying on British ships and cargoes navigating the Elbe, certain tolls and charges, called Stade Duties, to which he is neither by law nor treaty entitled, and that he compels the payment of these unjust demands, by means very arbitrary and oppressive, and wholly incompatible with our national dignity. Let me be clearly understood; I do not deny that the King of Hanover has a right to collect a toll on shipping at Stade—unhappily for the interests of commerce, I am constrained to admit, that he has such a right, I only contend that the King pushes his pretensions to a most illegal and unwarrantable extent—that the amount he levies is excessive, and that he enforces obedience to his will in a manner, which neither our interests, as a commercial people, nor our rank, among the nations of the world, can allow us longer to endure. I am not going to make any personal attack on the reigning King of Hanover. Whatever opinions I may entertain of that Prince, his individual conduct and character are in no wise mixed up with the Stade Duties. It is not my intention to confound them. Nay, more, I will plainly admit, that in collecting the present Stade Tolls, I can easily believe the King of Hanover imagines he is only exercising his unquestionable rights, inasmuch as he is only continuing a practice handed down to him by his three immediate predecessors. The manner in which the Stade Tolls became the property of the Hanoverian family is, on many accounts, remarkable. I will briefly explain it to the House. The tolls at Stade originally grew up under the permission, and, in some degree, under the sanction of the early emperors of Germany, to whom that town was subject. In the year 1648, at the treaty of Westphalia, Stade, together with the rest of the Bremen territory, was ceded to the King of Sweden, who exercised as a customary right the practice of levying these tolls on all vessels navigating the Elbe, those of Hamburg excepted, for Hamburg had been declared exempt from the tolls by a special rescript of the Emperor Frederic Barbarossa. Some disputes arising between Sweden and the city of Hamburg as to the extent of the tolls legally authorized, a convention was appointed by these two states in 1691, and a treaty executed by them for the final settlement of the question. In that treaty the Hamburg exemption being first recited, the mode in which the vessels of other nations were to pay the required dues was clearly laid down. In the following year a scale of dues, or tariff, was drawn up, under the sanction of both parties, and was formally annexed to the treaty. These two documents were officially published, in the year 1692, and styled "the permanent settlement of the Stade Tax." The tariff was framed on this general principle: most articles of commerce were rated at one-sixteenth of their value, and charged on that basis. In certain cases the maximum charge appointed, was one-sixteenth per cent. on the real value. In all others, the duty was to be paid according to either system, as the merchant himself might direct. The election was with the merchant, not with the collecting officer. Other provisions for the favour and protection of trade were added, and Sweden formally renounced all idea of augmenting or altering the tariff. In the year 1715, the duchy of Bremen, which includes the town of Stade, was ceded by the King of Denmark (who had wrested it from Sweden) to George the First, as part of his Electoral dominions, in consideration of the sum of 150,000*l.*, which the British Government undertook to pay for it, and in further consideration of certain hostile operations undertaken by this country against Sweden. The British Minister justified this bargain, by declaring that the sacrifice was necessary to secure the interests of our trade with Hamburg, which, even at that period, were of considerable importance. The Elector of Hanover, of course, took possession of his new territories with all their existing rights and obligations, among which was the Stade Tax. It is not pretended that George the First protested against the insufficiency of the Stade Tolls when he obtained them. The transfer could not, therefore, of itself, afford any pretext for altering the agreement of 1692, or for making that agreement binding upon one party only. The Stade Tolls, thus became—not the property of the state of Hanover, but the private perquisite of the King, and George the Second, in consideration of his obligations to the British people, in regard to this territory, relaxed in 1736 the mode of collecting the tolls; and, in 1740, renounced them altogether as far as related to British and Irish commerce. In "Anderson's History of Commerce," I find the following statement;—

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* From a corrected Report published by Ridgeway.

"A. D. 1740. In this same year his Majesty King George 2nd, of Great Britain, and Sovereign of the town of Staden in the Duchy of Bremen, was graciously pleased to remit to all British and Irish ships the ancient toll payable at Staden by the ships of all nations in sailing up the river Elbe. For which bounty his said Majesty received an humble address of thanks from the British Company of Merchant-adventurers trading to Hamburg."

These taxes were, however, resumed by George 3rd. In the year 1804, Hanover was occupied by the French, and the Stade Duties ceased till the year 1814, when they were compelled to retire. When the ancient government of Hanover was re-established in 1814, it revived the Stade Duties, with many aggravations. This proceeding on the part of the Hanoverian authorities, gave rise to much irritation and remonstrance; but as the Congress of Vienna was then about to assemble, no formal protest was made against them, it being generally believed, that at the meeting of this important Congress, everything which was then crooked would be made straight. One of the first subjects which occupied the attention of the Congress of Vienna was the regulation of the international river návigation of Europe. With a view to the settlement of this matter, so important to every state of Germany, the plenipotentiaries at Vienna agreed that certain general principles should be applied to all the rivers of that country, and should form the basis of all further regulation by the Germanic states. Now, Sir, although I should be very unwilling to pronounce any panegyric on the general conduct of the Congress of Vienna, I am bound to say, that the views it adopted for regulating intercourse on the great rivers of Europe were wise, liberal, and comprehensive. They became the most illustrious body of statesmen that perhaps ever assembled; and they were explained in language as simple and unambiguous as that in which legislation ever unfolded its ordinances to man. The publication of these principles was received throughout Europe with sentiments of the utmost satisfaction. To reflecting men in every part of Germany, they suggested the most pleasing expectations of extensive commercial intercourse. The day, in their apprehension, had at last arrived when the noble rivers of their country, the arteries of her trade, and the instruments of her civilization, should no longer be obstructed by every petty, sordid, and grasping authority; but declared, by the universal voice of Europe, the natural and organic right of all her States, should be irrevocably thrown open to the trading enterprise of the world. In regard to the Elbe, this brilliant dream, like most others, ended in disappointment. The Congress having laid down the principles on which all measures for regulating the rivers should in future be framed, deputed to the States bordering on each river the duty of settling all details relating to its navigation. Commissioners appointed to re-organize the regulations of the Elbe met at Dresden in June 1819. They consisted of the representatives of Austria, Prussia, Hanover, Saxony, of Denmark for Lunenburgh and Holstein, Mecklenburg, Anholt, and the city of Hamburg. Now, Sir, as no papers relating to this Convention of Dresden have ever been formally communicated to this country, I have no power of quoting any recognised account of its proceedings; but as a report of them has lately been published, by a lawyer of great talents, and high reputation on the Continent, who had access to the original minutes preserved at Dresden, perhaps I may be permitted by the noble Lord (Palmerston) and by the House to refer to that publication as an authority. The Convention assembled on the 3rd of June 1819, and in the outset everything seemed to accord with the liberal intention of the Congress of Vienna. On the 19th of June, however, the Hanoverian minister astonished the meeting by objections to any interference with the Stade Toll, asserting that it did not come within the sphere of their duties, it being not a river, but a sea tax, and levied only on ultra marine vessels and produce. The president of the assembly, with the concurrence of the other ministers, stated in reply, that their duty, as expressed in their commission, was "to inquire into everything relating to the navigation of the river;" and therefore that the Stade Tax fell obviously within the province of their duty. The quibble, however, of the Stade Tax being a sea tax was renewed by the Hanoverian commissioner, whenever reference was made to that subject; and though he at last gave it up, and promised to submit his tariff to the inspection of the commissioners, nearly three years passed away without that pledge being redeemed. Both Denmark and Hamburg were dissatisfied at this, and strongly protested against the withholding of a document so important to the general navigation of the river. But the commissioners, being at last wearied out by the repeated evasions of Hanover, and the fruitless discussions to which they gave rise, came to this formal resolution which was afterwards incorporated in their proceedings as the fifteenth article of the Convention of Dresden.

"Without prejudice to the general principles expressed by the Congress act respecting river navigation, it is agreed with respect to the Stade Tax to waive and renounce all further discussion, in consideration that Hanover engages to supply the Commission with the Tax tariff for their information, and further binds itself not to raise or vary the said tariff without the concurrence of the other states interested therein. His Majesty the king of Denmark, and the free city of Hamburg, reserve to themselves their own rights on ground of existing customs and contracts, and therefore, with regard to the said King and Senate, the question of the Stade Tax remains a *res integra.*"

As related, therefore, to Denmark and Hamburg, the question of the Stade Duties was left untouched by the convention of Dresden. As related to the other states appointed by the Congress to settle every thing that related to the navigation of the Elbe, the Stade Duties were to remain unconsidered, on condition that the general principles laid down by the congress should be respected in the tariff, that a copy of it should be laid before the commission, and that Hanover should introduce no alteration into it without the concurrence of the other states interested therein. The Hanoverian minister, when all the labours of the convention had terminated, and when the commissioners assembled for the last time, to exchange the ratifications of the several courts, produced his tariff, which, of course, passed without discussion or revision. Thus, although the convention successfully resisted the claim of the king of Hanover to consider the Stade Duties as sea taxes, the real object which his majesty had in view—that of preventing any interference with his system of collecting taxes at Stade—was completely attained. And thus, notwithstanding all that was concerted and enacted at Vienna, this system of exaction was left untouched by the convention, both in principle and in detail. I have already stated to the House the nature of the tariff established by the Swedish treaty. Merchants were ordered to pay, as a maximum, what amounted to rather less than twopence per bale; or if they preferred the *ad valorem* tax, they were to produce their invoices (to prove what the value of their goods really was), and on that value they paid one sixteenth per cent. This, with a small toll on the ship, constituted the whole of the Stade Duties. Many provisions were made in the tariff for the safeguard of commerce, and the crown of Sweden, as the lord of Stade, specially abjured all design of altering or augmenting the charges thereafter. Such, then, was the Stade tariff up to the year 1715, when it fell into the hands of the elector of Hanover. What was it now? By singular good fortune, I am enabled to answer that question on authority; for last year the crown of Hanover condescended, for the first time, to apprize our government of the nature of that tariff, by which it was collecting taxes on our commerce. Up to the year 1839, the Stade tariff was an unacknowledged, if not a secret document. Neither our manufacturers, our merchants, nor our ship-owners knew anything of this impost, except that it was very extortionate, and very rigorously enforced. The Board of Trade was in profound ignorance of every thing relating to it. The noble Lord at the head of the Foreign Department made repeated applications to the court of Hanover to ascertain the scale of charges which it was applying to our ships and cargoes in the Elbe; and the answer of the court of Hanover was practically this:—"Ah, you don't know, and we won't tell you." However, last year it was formally produced, and placed in the hands of Mr. Bligh, the representative of the Foreign Office at the court of Hanover. I have examined it. It is the same tariff as that brought forward at the convention of Dresden, and if it can be said to bear any resemblance to the only legal tariff, that of 1692, it is the resemblance of a hideous caricature. In the first place, it is more than ten times as long; again, all the stipulations favourable to commerce in the legal tariff, are struck out; in the third place, in regard to the rates laid down, such a latitude of construction is assigned to the collecting officer, that the whole character of the tariff, as a table of fixed charges, is effectually and entirely nullified. Among other capricious anomalies, the rate of taxes is made to depend, in many instances, not on the nature of a commodity, but on the name — on whether it is entered in the ship's papers in the English or German language! Thus, bales are charged twice the amount levied on ballen, though the only difference consists in the one word being English and the other German. In the same way, English horses are made to pay sixteen times as much as any other horses. Then capricious distinctions are made as to the description given of merchandise in the cockets made up at the port of departure. Among other documents, which have passed through my hands, I find an application made to the noble Lord for redress by a most respectable London firm, because having, in accordance with the regulations of the British custom-house, entered a quantity of ale as "British manufactures," they were compelled to pay a toll at Stade ten times as high as if they had entered it as ale. There are a multitude of similar enormities, but I pass them over. All these absurd distinctions, though they appear in the tariff acknowledged by Hanover, are pure innovations, resting on no intelligible authority, and contravening in the directest manner the most valuable provisions of the Swedish compact. In short, the tariff which Hanover admitted to Mr. Bligh to be that in practical use, has little in common with that which was handed over on the cession of the duchy of Bremen to George 1st. It can derive, therefore, no pretence to legality from the treaty of 1692. It is a heap of miscellaneous exactions, with no apparent force or validity but what they gather from usurpation. This is not my opinion merely—my opinion is, I know, entitled to very little weight with this House. Nor do I give this merely as the opinion of the petitioners; they, unhappily, are too deeply interested in the question to pass for the most impartial judges of any portion of it. But I beg the House to listen to the language used on the subject by the states of Denmark and Hamburg in 1824. The language of Hamburg is deserving of the utmost attention, because had the senate of that illustrious city taken a narrow and short-sighted view of this question, they would have considered themselves interested in keeping up Hanoverian exactions on British commerce since their own enjoys the privilege of exemption.

"With regard to the tariff," said the representatives of these states, "we have carefully considered that which was produced at Dresden. It is impossible that we should be satisfied with the pretensions of a state to levy such taxes on no other grounds than its own will and pleasure. A tax, without a fixed scale of amount, would be perfectly monstrous, and nothing less than a revival of the club law of our ancestors in the dark ages. There is no document in which a rule of taxation can be found, except in the tariffs drawn up by mutual agreement between Hamburg and the crown of Sweden, dated 15th August, 1692, which is to be found in the Bremen and Verden *Corpus Constitutionum*."

The Danish commissioner also remarked that looking at the tariff put forward by the King of Hanover, it seemed as if his Majesty had renounced all notion of being confined by any fixed standard of dues; and that in such a proceeding Denmark would never concur. The tariff of 1821 was, therefore, objected to by Denmark; first, because the principle on which it turned was erroneous, as it brought into application all varieties of measures, values, numbers, casks, and cases, without any attempt at definite regulation of duties. Secondly, because it proceeded on an arbitrary departure from the old lawful standard, established in 1692, and was, therefore, without any foundation in right. Thirdly, because the new scale having no legal foundation, it could afford no security against further infringement in future. Such was the statement of Denmark in 1824—Hamburg remarked, in addition to this, that the maximum of State taxation, established by treaty was one sixteenth per cent.; while most of the charges were below this rate; but according to the new tariff, one-sixteenth had become the minimum, and the more important articles of commerce were subject to a charge of one-half, two and a half, and even five per cent., and that this together with the complexity and confusion introduced into the mode of collection, placed the whole trade of the Elbe at the mercy of the customs officers of Hanover. Nothing can be plainer than this language. If I err, therefore, in denouncing the tariff of the King of Hanover as illegal and intolerable, it will be seen that I err with the states of Denmark and Hamburg — of Hamburg, who is an auxiliary without exception, for she is a witness against her own cause. I will return, however, to speak on the question of legality—at present, I must pursue another part of my subject. It used to be the fashion in this country some years ago, to jest a good deal at the ingenuity with which the Government of the day had made every object in the whole circle of material nature, the subject of taxation. It was said, that all the things on the earth, and in the waters under the earth, were the objects of fiscal assessment—and that the Finance Minister seemed to consider them as created by Providence for no other purpose. Against any ingenuity of this sort which the most acute Chancellor of the Exchequer ever displayed, I will place that now arrayed by the Hanoverian authorities against British commerce in the Elbe. Without going into details, I will recite the different classes of taxes which a vessel bound to Hamburg is required to pay to the King of Hanover on passing the town of Stade. They consist of eight kinds. Taxes on the ships; which on a ship of 250 tons is about 200*l.* Taxes on the cargo, every article being charged in detail after the fashion I have described. These taxes frequently amount to five per cent. on the value of the commodities, and they sometimes largely exceed the customs duty levied at Hamburg on importation. Mr. M'Culloch quotes instances in which it is five and six times as much. The next tax is commission of six and a quarter per cent. on the two former taxes, it is paid to the collecting officers. Then come "ship's expenses," these are a kind of forced harbour dues. The fifth tax is commission on the fourth tax, to the collecting officers of Hanover. *Eventualiter interim* certificate is the sixth. The seventh certificate of return. Tax the last is —tax on passing Stade outward bound. The vessel is then permitted to escape without further exaction on her voyage. From these various imposts the King of Hanover obtains for his private revenue 70,000*l.* or 80,000*l.* per annum; and, large as the amount may seem, it is absolutely as nothing in comparison with the cost and trouble thrown upon merchants and shipowners by the penalties which menace them should they offend in any manner against the mandates of the Hanoverian custom-house, or against the caprice of the officers placed in charge of it. On the slightest inaccuracy in any of the ship's papers, no matter how trivial, how obviously accidental, or how absolutely unavoidable (and both the ship and cargo are scrutinized with the most vigilant search after inaccuracies), the vessel and her commodities are seized and confiscated; a penalty sometimes commuted for heavy fines, long detention, and ruinous expenses. I will mention one or two cases of this species of oppression; for I doubt if without some such illustrations the House will give credit to the full extent of the grievance I refer to. Some time ago, Messrs. Gee, Loft, and Co., of Hull, merchants of great wealth, and of the highest integrity, shipped for Hamburg, by the Fairy, Captain Gell, a vessel which was loaded by them with a general cargo, "three bales of cottons or merchandise." In the bill of lading, the articles were inadvertently entered "bales of cotton twist," the difference of the Stade duty was about 7*s.* only. All the ship's other papers described the goods with technical correctness, and in no other respect was there any informality. For this error alone in the bills of lading, the Fairy was seized by order of the Hanoverian Custom-house, to be released only on Messrs. Gee, Loft, and Co., paying to the King of Hanover the sum of 215*l.* 17*s.* 6*d.* This enormous fine was paid, and all applications for re-consideration were unavailing—not a farthing was ever restored! I mentioned to the House last Session a case very analogous to this, in which, during the year 1839, one of the most respectable merchants in Hull, Mr. Richard Tottie, was similarly plundered. I pass it over now for other matter. My second illustration is, however, of very recent occurrence. It is a case in which the Stade authorities seem to have been actuated by the mere gratification of wanton power, and it appears to me urgently to demand the interference of the noble Lord, on grounds very different to those called in question by the last I have mentioned. In the course of the year 1838, as the Severn steam-ship, Captain Knocker (which plies between Hamburg and Hull), was proceeding on her homeward voyage, she stopped, as usual, off the guard ship at Stade, to render the certificate of return. A gun was fired at the Severn by the Hanoverian guard-ship, and a boat sent alongside. It then appeared that the officers of the guard-ship had been pleased to determine, that, on her last voyage, the steam-vessel did not stop soon enough. They demanded, in consequence, as a fine for the offence, the sum of eight marks, and prepared to detain the packet, because the captain, knowing there was no foundation for such complaint, hesitated to comply with their arbitrary exaction. At last, to avoid the detention of his ship, the captain paid the money, but did so under protest, and made application to Mr. Canning, the British Consul-general at Hamburg, for its restoration. For this act of contumacy towards the authorities of Stade, I entreat the House to notice this fact,—the Severn was condemned to an additional fine of fifty dollars on her return to Hamburg! As in the former case, remonstrance was fruitless. There was no redress. The fine was paid. Is it astonishing that Englishmen complain? Is it very wonderful that, fleeced, insulted, and oppressed, by a petty German state, they besiege the Foreign-office and the Board of Trade with petitions and remonstrances? Hitherto they have petitioned in vain—all redress has been refused them. I have not been able to learn of a single case, however aggravated, in which satisfaction has been obtained by the authorities at home for the British merchant. I doubt if an instance can be cited in which it has ever been firmly or honestly demanded for him by the Secretary for Foreign affairs. I do not complain particularly of the noble Lord, (Palmerston) nor of the present government, nor of the past government, nor of any government in particular—I complain of every successive government which, during the last five-and-twenty years, has swayed the destinies of England—one and all have exhibited, in regard to British interests involved in the Stade question, a most reprehensible dereliction of their first duties. Well, so long as the King of Hanover was, also, King of England, I dare say it was a delicate matter to undertake the regulation of the Stade Duties, which formed the private perquisite of the monarch. I can believe it would have been an affair of great difficulty to any minister. But that difficulty exists no longer. That excuse—a bad one at best for past supineness—cannot justify your doing nothing now. Is this abuse to last for ever? What answer does the House mean to give to the petitioners, whose complaints, expressed in respectful but vehement language, now lie upon the table? They assert that the King of Hanover is levying unjust demands on their property,—is enforcing payment, with every circumstance of injury and insult, and that the meteor flag of England, which in every other portion of the globe has ensured to them honour and respect, is powerless to protect them in the river Elbe from the marauding violence of Hanover. The noble Lord is bound either to vindicate the conduct of the king—to prove that he has a right to behave as I have described, or else to put a period at once and for ever to his outrages on our people. Has the King of Hanover law and justice on his side, when he burdens our commerce and oppresses our mariners? He has not! Then I trust that this House will, by supporting my motion to-night, announce to the King of Hanover, in the face of Europe, that he shall not do these things with impunity.

I protest that I cannot approach the subject in proper temper—it drives me to a passion to think of it, that any Prince or authority in this world shall presume to plunder and oppress the maritime navy of England, and that our merchants shall not only be denied all redress for past injuries, but denied even a guarantee for better treatment in future. Is it asserted that the King of Hanover has a right to act in this manner? The King of Hanover can have no inherent right to levy taxes on the Elbe. His right to do so, if he have any, must rest upon some clear and intelligible basis. All general presumption bears against such a right; and the title to it, like all other titles, ought to be established by the party claiming to act under it, by competent and unquestionable evidence. What evidence is adduced? I presume that the circumstance of the tolls having been enforced since the peace of 1814, will not establish the title, since, against the enforcement of them, various European states have constantly, and vehemently, and formally protested; and the King of Hanover is no more entitled than another to derive advantage from his own wrong. What pretence then is set up? The Congress of Vienna! What said the general act of the Congress of Vienna? What said the sixteenth act of the Congress? Listen;—The navigation of the German rivers, along their whole course, shall be free.—The duties collected shall be as nearly as possible the same along the whole course of the river.—They shall be regulated in an uniform and fixed manner, with as little reference as possible to the different qualities of merchandize.—The duties shall, in no way, exceed those now paid.—They shall never be increased without the consent of the co-riverans states.—The Tariff shall be so framed as to encourage navigation.—There shall be no port or forced harbour dues; even those now existing shall not be permitted, unless all the states deem them necessary for general commerce.—Regulations shall be established to prevent customs' officers throwing impediments in the way of navigation. Why, in regard to every British ship that passes Stade, the King of Hanover breaks every day some one or more of these regulations. Well, then, the King of Hanover can draw very little help from the articles of the Congress of Vienna. The Convention of Dresden can just as little be brought forward to support his proceedings. I remember the noble Lord contended last year that the 15th article of the Convention of Dresden bore a construction favourable to the practices now going on at Stade. But, surely, the plain meaning of that article, (which I have once read to the House,) is this; that the Convention would consent to abandon all further discussion respecting the Stade Tax, provided that the Tariff was not repugnant to the general principles laid down by the Congress Act respecting navigation. To contend from the words of this article that the Commissioners engaged to sanction the tariff, whether it was or was not in harmony with the navigation law announced at Vienna, is to contend that they had agreed to assume functions altogether at variance with their commission, for they were specially appointed to carry the Vienna principles into effect, and they had no power delegated to them to authorize regulations prejudicial to those important principles. Now I have shown, that the system assumed by Hanover, at Stade, is in defiance of them all. The Hanoverian tariff, therefore, receives no sanction or authority from the Convention of Dresden. That point is settled past controversy. If, then, neither this Convention, nor the Congress of Vienna, nor some years persistance in wrong, nor the treaty between Sweden and Hamburg, afford any justification of these proceedings, I must infer—having carefully examined every source from which legality could be derived—I must infer, that the taxes levied at Stade have no foundation whatever in right or justice, and that they differ in no assignable respect from the depredations formerly carried on by the Dey of Algiers, except that they have not yet roused the civilized world to repress them.—[Sir *Frederick Trench: "Hear, hear!"*]—The gallant Officer opposite is displeased at that expression. Sir, I should be very unwilling to apply any terms to the conduct of the King of Hanover which the facts before us do not amply justify, and even demand. If I believed that there existed any custom, any treaty, or engagement, which could shelter the King of Hanover in the course he is pursuing towards this country—ruinous as it is to our interests—degrading as it is to our honour—against him, as the lawful collector of established tolls, I would wish to use no harshness of expression whatever. There would, in such a case, be many grounds for regret, but none whatever for censure or resentment. In such a case, I should lament, indeed, over a necessity which placed the King of Hanover in a situation by right, where, by exacting money for which he rendered back no equivalent, he contradicted all our natural ideas of justice and propriety; I should deplore his unquestionable power to obstruct the passage of our manufactures to the most valuable market on the continent, where they are already so much let and hindered by the rising manufactures of rival nations, as well as by the prohibitions of the Berlin confederacy. I should bewail the destiny by which that flag which has "braved a thousand years the battle and the breeze," had been compelled to yield supremacy to the might of prescription or the entanglements of diplomacy. But since this is not so, since the system established at Stade has no justification in custom or in treaty, I denounce it, without hesitation, as a system of outrage and of robbery. Its existence is a national reproach and dishonour. I complain in the name of thousands engaged in manufacturing industry—in the name of thousands dependant on commerce and on shipping—in the name of all to whom the honour and dignity of the country are dear—not of the King of Hanover merely, but of those who, from their official stations, might have put down his aggressions if they would, and who have not done so. I have a very high respect for the noble Lord (Palmerston)—I admire his talents and assiduity—I feel grateful to him for the fields which he has so successfully laid open to the operations of British industry. No former minister, as far as I am aware, ever paid so much attention to the general interests of our commerce; but the noble Lord must excuse me if I tell him plainly that, in regard to the Stade exactions, he has neither kept faith with his country nor with his own well-deserved reputation. Sir, the parties of whose cause I have this night been the feeble advocate, are wearied of fruitless applications for redress to official boards and government offices. They have resolved, after five-and-twenty years of patience and disappointment, that if reparation and protection are to be obtained at all, it is from other quarters they must derive them; and, therefore, strong in the conviction of right—strong in the belief of their country's sympathy—to this House, as the *parens patriæ*, which has so often redressed the wrongs of the injured, they now offer their respectful, earnest, and last appeal. I conclude by moving—

"That it is the opinion of this House that the tolls now levied upon British ships and cargoes in the river Elbe, by the authority of the King of Hanover, under the name of Stade duties, are of doubtful legality, oppressive in amount, and highly vexatious in the mode of exaction; and that it is, therefore, incumbent upon Her Majesty's Government to take the steps necessary for procuring relief from imposts so injurious to the general interests of the country."

Mr. *Hawes*, in seconding the motion, said, that after the very minute and luminous statement made by his hon. Friend, he should not enter into any further details upon the subject. He thought the enforcement of the decision come to by the congress of Vienna with respect to the navigation of rivers, was an object particularly deserving of the attention of the noble Viscount, the Secretary for Foreign Affairs. He did not say the noble Viscount was to blame in this case, but there certainly appeared to have been an unjustifiable obstruction to the navigation of the Elbe by the regulations now under discussion. He thought that the noble Viscount now had both the will and the power to remove the grievances which were complained of, and that nothing was wanted but an expression of the opinion of the House upon the subject. Too little attention had been paid by the House to the state of our foreign trade, although at the present time it was a subject particularly entitled to consideration.

Viscount *Palmerston* considered the question brought forward by the hon. Member for Hull to be undoubtedly one of great importance and interest to the commerce of the country, and so far he agreed in the view which the hon. Member took of the subject. He was afraid, however, that the question was not quite so simple in its elements as the hon. Member appeared to think. It was complicated with the arrangements made by old treaties, with the transfer of territories, and with the provisions which had been agreed to at the congress of Vienna, referring to plenipotentiaries from the states through which the rivers of Germany passed the regulation of matters connected with their navigation. The subject had not been allowed to sleep since the discussion that had taken place upon it last year; her Majesty's Government had pressed the government of Hanover to place the Stade tolls on a more rational foundation, and one more consistent with what we were entitled to expect. It was only, however, within the last few weeks that he had received the answer of the Hanoverian government to the representation made by our minister at that court. The answer was under the consideration of his right hon. Friend the President of the Board of Trade, and her Majesty's Government were proceeding to determine what steps should now be taken. Such being the state of this matter, being the subject of negotiation between the two governments, he presumed his hon. Friend and the House would feel that it would, perhaps, be premature to come to the particular resolution proposed, and he would therefore suggest the propriety of postponing, at all events for the present, to call on the House to enforce the opinion contained in the resolution, leaving her Majesty's Government, of whose sincerity and good intentions he was sure his hon. Friend entertained no doubt whatever, the opportunity of trying by negotiation with the government of Hanover to place these duties on a footing more satisfactory to the hon. Member, the House, and the commercial interests of the country. For the same reason, the subject being now matter of negotiation between the two governments, he thought his hon. Friend would feel, that it would not be expedient or advantageous that he should enter at present into a discussion of those various questions which had been started with regard to the right of Hanover either to levy a toll at all, or the particular tolls of which complaint was made; at the same time he was quite prepared to say it was the opinion of her Majesty's Government that the tariff under which these duties were now levied was not one which Hanover was entitled to enforce; and upon that footing it was that their negotiations with Hanover had hitherto been placed. This was a question in which England was not alone concerned. Negotiations had been going on with Hanover, on the part of Hamburg and Denmark, on this very subject. He would not, therefore, go into an investigation of the particular grounds on which this motion had been brought forward, but would only submit to the consideration of the Member for Hull whether it would not be better, even with a view to the objects which both his hon. Friend and himself contemplated, not to call upon the House at present to pronounce an opinion which he maintained they were not, in a Parliamentary sense, in possession of sufficient grounds to justify. The latter part of the motion was, of course, unnecessary, her Majesty's Government being actively and sedulously employed in endeavouring to relieve British commerce from those vexatious imposts of which his hon. Friend complained. The hon. Gentleman who seconded the motion stated what was undoubtedly true, that the navigation of the great rivers of Europe was a matter of the utmost interest to all commercial countries; and perhaps it might also be true, that the different powers who, by the treaty of Vienna, were deputed to arrange these matters, had not, with respect to all those rivers, been as active in carrying the stipulations of that treaty into effect as one might have expected, even from a regard to their own interests; because, although with regard to the Rhine a convention had been held and regulations established, yet there were many other large rivers in reference to which no such proceedings had hitherto taken place. There was at this moment an unsettled question between Spain and Portugal with respect to the navigation of the Douro, which came within the stipulations of that treaty. The Danube also was a most important river, to which, unquestionably, the stipulations of the treaty of Vienna must now be considered as applicable, because Russia, having by the treaty of Adrianople acquired possession of the banks of the lower part of the Danube, and the upper part belonging to Austria, both powers being parties to the treaty of Vienna, he apprehended its stipulations must now be considered as applicable to that river, whatever question might formerly have arisen with regard to Austria, which was, and Turkey, which was not, a party to that treaty. With respect to the accumulation of deposits at the Soulineh mouth of the Danube, he begged to state that the matter had not escaped the attention of Government. They were in communication with the parties interested for the purpose of effecting the removal of the obstructions to navigation in that quarter, and means were about to be taken for clearing the channel to its original depth, so as to admit vessels of from thirteen to fourteen feet draught. He must again assure the hon. Member and the House, that Government was duly impressed with the extreme importance of the commercial interests of the country. Every one who took the shallowest and most superficial view of the subject must see that our political importance, if not our existence as an independent country, must depend on the resources which our commerce affords, and therefore any Government which was inattentive to what constituted the fundamental support of the political influence of England must be extremely unfit to manage those interests which were committed to their care. Her Majesty's present Government had done much, although he would not say as much as they wished to accomplish; it was not for any Government, in matters where other nations were concerned, to be able to do all they wished or attempted; and the House must be aware, that although in this country public opinion in general was so enlightened in matters of commerce that there were fewer difficulties than in former times in carrying points for the enlargement of commercial enterprise and intercourse, yet in other countries there were difficulties to be encountered, arising, first of all, from the want of that information which had been diffused in this country, and also perhaps—he must not disguise it—from some degree of jealousy of our political power, and a wish in other quarters to reduce those sources whence our political power derived so materially its strength. He assured his hon. Friend, that not only with regard to this particular matter, but all those other questions in which the commerce of the country was concerned, her Majesty's Government would not only endeavour to do their utmost to increase commercial facilities, but would feel obliged to any hon. Gentleman to point out measures which might not suggest themselves to their minds, thereby assisting and strengthening their exertions to carry such objects, by showing that when the British Government talked to other governments on these matters, they were not merely speaking the opinion of the executive, but responding to the deep feeling of the country, and that they would be backed by the country in any measures it might be necessary to take in order to protect the interests and enlarge the sphere of our commercial intercourse.

Mr. *A. Chapman* supported the motion. He considered the Stade duties both oppressive and odious, no return to our commerce being derived in any shape whatever.

Sir *W. James* said, a large sum of money had been paid in the reign of George 1st, with the view of securing a preference of British interests for the town of Stade, but it now turned out that this very town for which so much British money had been paid, had been turned into an instrument of oppression upon British commerce. He did not wish to throw any unnecessary censure on the noble Lord (Lord Palmerston) but had the noble Duke in the other House been at the head of foreign affairs, the present question would have been settled long ago.

Mr. *Labouchere* hoped that after the discussion that had occurred, his hon. Friend would not press his motion. He should feel extremely sorry if the House came to any vote on the subject, or should express any opinion as to the right of imposing tolls being well founded or otherwise. He had listened with much attention to what had taken place, and he felt the question was one of great difficulty. The right was so complicated; it rested on so many treaties passed such a long time ago, that it was extremely difficult for Government to come to any decision at present. The states bordering on the Elbe had found the question one of much difficulty; and, putting aside the abstract right, they had endeavoured to come to some practical and satisfactory conclusion without determining the question of right, and to get the King of Hanover to consent to the abolition of those vexatious regulations by which the imposition of tolls were accompanied. It was the determination of Government to put an end to the question; and even the King of Hanover himself admitted that the regulations, as they at present existed, were indefensible. It would be impolitic, in the present situation of matters, to enter into the question. As to the abstract right of the King of Hanover to levy the tolls, that had better not be at present entertained. The wiser course would be to separate the two parts of the subject. To give the House an opportunity of avoiding an expression of opinion on the motion, he should move, by way of amendment, the previous question.

Mr. *Hume* did not see how the noble Lord could consistently oppose a vote of the House, which would strengthen his hands, by showing that the House was unanimous in condemning the conduct of the Hanoverian authorities as oppressive and vexatious. It was said by an hon. Baronet who spoke opposite, that if the Duke of Wellington had been in office, these oppressive proceedings would have been checked long ago. Why, the same oppressive proceedings had gone on while that noble Duke was in office, from 1824 to 1830, and why had he not then interfered? The Foreign Office and the Board of Trade had been memorialized, year after year, by the merchants who were oppressed, and they had only been trifled with. Let the noble

Lord only send a 74-gun ship to a position alongside the Stade vessel; he need not declare war, but only open a friendly communication through the medium of an officer commanding a 74, and he would soon see an end of the exactions that were complained of. If his hon. Friend thought proper to divide the House, he would, with much pleasure, vote with him.

Viscount *Palmerston* moved the previous question.

Mr. *Hutt*, though with great unwillingness, consented to the proposed course, and consequently the original motion was not put.

Case of Mr. Mills.] Lord *Teignmouth* rose to call the attention of the House to the case of Mr. Benjamin Mills. This gentleman had, for upwards of a period of thirty years, filled the situation of surveyor of taxes. His income during the war was 500*l.* a year, which was reduced in time of peace to 300*l.* a year, being made up partly of salary and partly of emoluments. His salary amounted to only 90*l.* a year, but on being removed from his situation he conceived that under the provisions the 4th and 5th William 4th., cap. 94, he was entitled to the enjoyment, in the shape of retiring allowance, of three-fourths of his income, as made up of salary and emoluments, and an opinion given by Sir W. Follett on a similar case, entirely confirmed his opinion. However, instead of this sum being awarded him, he had only obtained 52*l.* a year. So strongly did he feel the justice of this case, that if he went out with only half a dozen he should divide the House. The noble Lord then moved that the petition of Benjamin Mills be referred to a select committee.

The *Chancellor of the Exchequer* said, that the situation in which this gentleman was placed was not attributable to the present Treasury Board, but was the effect of an old established rule. The Old Superannuation Act laid down a general rule that a certain deduction should be made from the salaries of certain officers therein specified, who, when they retired, should be in consequence of such deductions entitled to a proportional amount of retiring allowance. Since the passing of that statute, every case similarly circumstanced with that of Mr. Mills, had been decided by the Lords of the Treasury in the same way as his; and to every application of the kind, in which it was sought to put forward the amount of emoluments of which the officer had been in the receipt as a ground of augmenting their retiring allowance, the Lords had uniformly replied, "If you had calculated the emoluments when the annual deductions were to be made, you would be entitled to have them considered now as a ground of claim, but you cannot cut both ways and be allowed to reckon them as part of your salary for the purpose of increasing your allowance." He thought it would be extremely inconvenient that gentlemen should be encouraged to apply to the House of Commons in cases of this kind, instead of applying to those whom they served. It would have a very bad effect on the public service if the House allowed any interference with the retired allowances of public officers, and he must therefore resist the appointment of this committee.

Mr. *Freshfield* thought that the claim of Mr. Mills was so precise, and so fully supported by the Act introduced by the hon. Member for Pembroke, that it could not be set aside by any allegation of an old arrangement of a remission of taxation in his favour. The amount of salary which the surveyor received was uncertain, because it depended upon his own vigilance. There was a small amount of fixed allowance; but the rest was made to depend upon the vigilance with which he discharged the duties of his office. If any doubt existed as to the claim of this gentleman, he admitted that the matter ought to be left to the discretion of the Treasury; but where the words of the Act of Parliament were distinct, the individual ought to have the benefit of them. Now, though in this case the general words of the Act referred to salary only, the sense in which that word was used was explained by the particular clause, which provided any office clerk or other person who had served above ten years, and under fifteen, should be entitled to an annual allowance not exceeding a certain proportion of the salary and emoluments of his office; so that the word salary clearly meant salary and emolument. Yet here was the case of an officer who, after thirty-five years' service, came for compensation under that Act, and he was told that his fixed salary was only 90*l.* a year, and though the income of his office had been 400*l.*, the compensation must be only the regular proportion with reference to that sum. The House must remember that these surveyors were men of the highest respectability, and men of education; and yet, he understood that the allowance granted to this gentleman was just 1*l.* per week. He begged to ask whether it were politic to have it said that nobody in the world deserved so little to be well served as the public, because nobody in the world seemed so niggardly as the public in compensating its servants when they retired after a long period of service.

Mr. *Hume* said, that if the motion were for a committee to inquire how far the burdens thrown upon the public by the superannuation system could be got rid of, he should vote for it, because he considered that in the institution of that system, successive governments, instead of being niggardly, had been too liberal; but in the present case, as he fully approved of the course taken by the Treasury, he should oppose the motion.

The House divided:—Ayes 17; Noes 42; Majority 25.

List of the Ayes.

Bramston, T. W.
Chapman, A.
Chute, W. L. W.
Dick, Q.
Ellis, W.
Farnham, E. B.
Halford, H.
Mackinnon, W. A.
Maunsell, T. P.
Packe, C. W.
Plumtre, J. P.
Round, C. G.
Rushbrooke, Col.
Turner, E.
Vere, Sir C. B.
Wodehouse, E.
Wood, B.

TELLERS.
Teignmouth, Lord
Freshfield, J. W.

List of the Noes

Aglionby, H. A.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Bewes, T.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Campbell, Sir J.
Clay, W.
Clive, E. B.
Collier, J.
Currie, R.
Fielden, J.
Gisborne, T.
Gordon, R.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hughes, W. B.
Hume, J.
Hutton, R.
Langdale, hon. C.
Lister, E. C.
Lynch, A. H.
Macaulay, T. B.
M'Taggart, J.
Morpeth, Lord
Morris, D.
O'Connell, M. J.
Palmerston, Lord
Parnell, Sir H.
Pechell. Capt.
Pigott, D. R.
Richards, R.
Rundle, J.
Style, Sir C.
Thornely, T.
Vigors, N. A.
Warburton, H.

TELLERS.
Steuart, R.
Parker, J.

Committee on the Issue of Notes.] On the motion for nominating the Committee to inquire into the effects on the currency of the issue of Bank Notes payable on demand,

Mr. *Wodehouse* rose to put a question to the Chancellor of the Exchequer prior to his nomination of the Banking Committee. His question related to a petition which appeared in the 9th report of public petitions. It was a petition from bankers, traders, and merchants, from Manchester, showing that great losses had of late been incurred by the manufacturers and traders, in consequence of the fluctuations in the value of money; and that similar fluctuations, producing similar calamitous results, had been, in the memory of the petitioners, of frequent occurrence. The petitioners, therefore, prayed the hon. House to appoint a committee on the earliest possible day to ascertain how far the present laws which regulated the currency had caused this, and to provide a remedy. His question was—did the Chancellor of the Exchequer mean to refer this petition to the consideration of the committee, or did he not? If referred, was it with a view to provide a remedy for the evil whereof the petitioners complained? If excluded, on what grounds; and, lastly, whether, in that case, such a petition, of such a nature, coming from such a quarter, and at such a moment, ought to be excluded from the consideration of that committee, which, if he, (Mr. Wodehouse) rightly understood him, was about to be specifically appointed for entering into a preliminary consideration of the principles on which the paper circulation of the country was to be regulated for the time to come?

The *Chancellor of the Exchequer* said, it certainly was his intention to refer that petition to the consideration of the committee, and it was therefore, unnecessary for him to say more about it.

Mr. *Wodehouse* wished to know if in giving that answer, the right hon. Gentleman was aware of the evidence offered in 1826, by Mr. Lloyd, before the House of Lords, showing that nine parts out of ten of the monetary circulation of Manchester consisted of internal bills of exchange.

The *Chancellor of the Exchequer:* If the House thinks it right that I should submit to a preliminary cross examination, I shall be happy to answer any of the questions the hon. Gentleman may think it fit to put to me, but I feel that I cannot do so without entering into a statement of a more general nature than would, perhaps, be quite convenient at this moment.

Mr. *Wodehouse*: Then I throw myself on the mercy of the Speaker. I repeat, that it is on record from the evidence given before this House, as well as the House of Lords, that at Manchester the greater part of the circulation for many years has consisted of bills of exchange.

The Chancellor of the Exchequer moved that the following Members be nominated to constitute the Committee:—Mr. Chancellor of the Exchequer, Sir R. Peel, Mr. Hume, Mr. Labouchere, Mr. Goulburn, Mr. M. Philips, Mr. O'Connell, Sir J. Graham, Mr. Clay, Mr. Gisborne, Sir J. R. Reid, Mr. Oswald, Mr. C. Wood, Mr. Rickford, Mr. J. Parker, Mr. Pattison, Mr. Herries, Mr. Ellice, Mr. Sergeant Jackson, Mr. Hector, Mr. Grote, Sir T. Fremantle, Mr. J. A. Smith, Mr. Strutt. Mr. Matthias Attwood, and Mr. Morrison.

On the names being read,

LOSING A TURN.] Sir *Edward Sugden* rose to express a hope, that the circumstance of his being absent from the House at the instant that his name was called by the Speaker, would not deprive him of the opportunity of submitting the motion of which he had given notice, relative to the appellate jurisdiction of the House of Lords. His temporary absence from the House was occasioned simply by his desire to escape from a division upon a question which he did not understand.

Mr. *Hume* thought, that the rule of the House was imperative. The right hon. Gentleman's name had been called not once, but twice. If he were not present to reply to it, he must endure the consequence.

Sir *Edward Sugden* again explained the cause of his absence, declaring that he had again entered the House as soon as possible after the division.

The *Speaker* observed that the invariable rule of the House was, that if a Member were not present to respond to his name, when it was called from the chair, his turn for submitting any motion he might have placed upon the paper was lost. In the present instance he was sure the House would bear witness that the right hon. Gentleman's name had not been called with any haste. After the numbers of the division had been declared, he had called upon the right hon. Gentleman twice. If the right hon. Gentleman were not in his place to answer to the call, he was afraid, that according to the rule of the House, the right hon. Gentleman had lost his turn.

This incidental discussion dropped.

COMMITTEE ON THE ISSUE OF NOTES.] The question as to the nomination of the committee was then again put from the Chair.

Sir *Robert Peel* did not intend to object to the names of any of the Members whom the right hon. Gentleman proposed to place upon the committee; but seeing, that those names were so unusually numerous, he was afraid that the inquiry would be a very protracted one. For his own part, he thought it would be found very advantageous if the inquiry were divided into separate branches; and the separate committee, consisting of not more than from twelve to thirteen Members, should be appointed for the consideration of each branch.

Mr. Hume moved to add the names of Sir Henry Parnell and Mr. Thornley.

Sir *Robert Peel* objected to this addition as aggravating the evil of which he had previously complained. He begged to remind the hon. Gentleman that the Chancellor of the Exchequer had already departed from the ordinary rules of the House, which was to limit the numbers of committees to fifteen.

The *Chancellor of the Exchequer*, as far as he was personally concerned, had not the slightest objection to either of the names suggested by the hon. Member for Kilkenny (Mr. Hume), but he felt that the efficiency of the committee would be impaired, if its numbers were increased. The committee, as he had proposed it, he thought was fairly constituted, and he hoped the House would not consent to increase it.

Mr. Hume's motion negatived.

Mr. *Raikes Currie* moved to add the name of Mr. Warburton. The great and distinguished exertions made by that hon. Gentleman upon Lord Althorp's committee in 1832 entitled the hon. Member to be on the committee, and his services would be most valuable.

The *Chancellor of the Exchequer* would not object to the addition of this name, if he were assured that no other would be pressed upon him.

Sir *R. Peel*: If the right hon. Gentleman assents to the addition of Mr. Warburton, how is he to escape from the addition of Sir Henry Parnell.

Mr. *R. Currie* would take the sense of the House upon the question.

The *Chancellor of the Exchequer* said that he did not desire to put the House to a division upon this point. If Mr. Warburton's name were insisted upon, he would not object to it; his only reason for not proposing it himself was, that he thought the Government was sufficiently represented by the names he had previously placed upon the committee.

Mr. *Shaw* thought that it seemed improper for the right hon. Gentleman, after he had well considered the names of the persons to be nominated, now to alter the decision.

Sir *R. Peel* would resist the addition. He would not give way, and would vote against the right hon. Gentleman, not out of any disrespect to Mr. Warburton, but because the committee was already quite numerous enough.

Mr. *Smith O'Brien* suggested that the Chancellor of the Exchequer should substitute Mr. Warburton and Sir H. Parnell for some names already named on the committee.

The *Chancellor of the Exchequer* thought it not impossible that some gentleman named on the committee would not attend, and, under such circumstances, he would certainly substitute the name of the hon. Member for Bridport.

Motion withdrawn.

Mr. *Edmund Turner* moved to add Mr. Blewitt's name to the committee. That hon. Member was well acquainted with, and had taken an active part in, the management of joint-stock banks, and because on the committee, as named, there was not one person acquainted with joint-stock banks of issue. There were on the committee three members of private banks of issue—the chairman and a governor of the Bank of England, Mr. Sergeant Jackson, connected with the Bank of Ireland, and two members of private banking firms in London; and he must therefore make an appeal to the Chancellor of the Exchequer (although Sir T. Fremantle was on the committee, who was a director of a joint-stock bank, not being, however, a bank of issue) in favour of the hon. Member for Newport, that the inquiry should be fair and not partial, and that the report should be such as to carry weight with the country.

Mr. *Wodehouse* objected to add the name.

Mr. *Gisborne* said, that any joint-stock bank in the country could, if it pleased, become a bank of issue, and he could not, therefore, see any distinction between the two; still he thought that there was not a sufficient number of persons on the committee connected with these banks.

The *Chancellor of the Exchequer* would read the names of the parties connected with joint-stock banks; Mr. Gisborne, Sir Thomas Fremantle, Mr. Matthias Attwood, Mr. O'Connell, and Mr. Hector, who were on the committee; and as it did not seem to him necessary that persons intimately and personally connected with every branch of the banking business should be on the committee, he must therefore oppose the motion.

Motion withdrawn.

The *Chancellor of the Exchequer* moved that the committee be secret.

Mr. *Hume* wished to know why a committee, which was very interesting to the whole community, should be secret?

The *Chancellor of the Exchequer* reminded the House that, in all cases in which the Bank charter had been inquired into, the committees were secret, and had been secret with the greatest advantage, as the House thereby obtained much valuable information which would not otherwise be gained. He did not see any reason in the present case for departing from the former practice.

Mr. *Smith O'Brien* trusted, that the decision was not final; and if Mr. Hume would press his objection to a division, he certainly should divide with him.

Sir *R. Peel* said, that if by a secret committee was meant a committee of secrecy, it would be objectionable; but he did not so understand it: for the committee on joint-stock banks was a secret committee, and yet it obtained very valuable private information, the results of which were published to the world, although the particulars could not have been obtained if the whole had been published to the injury of the parties. All that was required was, that the committee should be at liberty, if it thought proper, not to publish the whole of every portion of the evidence.

The House divided—Ayes 33; Noes 23—Majority 10.

List of the AYES.

Baines, E.
Baring, F. T.
Barry, G. S.
Bowes, J.
Bramston, T. W.
Brodie, W. B.
Bruges, W. H. L.
Chetwynd, Major
Dick, Q.
Douglas, Sir C. E.
Fremantle, Sir T.
Freshfield, J. W.
Goulburn, H.
Graham, Sir J.
Hobhouse, Sir J.
Hodges, T. L.
Hodgson, R.
Hughes, W. B.
Lynch, A. H.
Mildmay, P. St. J.
Morpeth, Lord
Palmerston, Lord
Peel, Sir R.
Pigott, D. R.
Rae, Sir W.
Round, C. G.
Rundle, J.
Shaw, rt. hon. F.
Style, Sir C.
Tufnell, H.
Wodehouse, E.
Wood, G. W.
Yates, J. A.

TELLERS.

Clay, W.
Gordon, R.

List of the NOES.

Aglionby, H. A.
Bainbridge, E. T.
Beamish, F. B
Blewitt, R. J.
Brotherton, J.
Duke, Sir J.
Dundas, C. W. D.
Ellis, W.
Fielden, J.
Gisborne, T.
Hindley, C.
Hobhouse, T. B.
Langdale, hon. C.
Lister, E. C.
M'Taggart, J.
Morris, D.
O'Connell, M. J.
Pechell, Captain
Rushbrooke, Colonel
Salwey, Colonel
Turner, E.
Vere, Sir C. B.
Vigors, N. A.

TELLERS.

Hume, J.
O'Brien, W. S.

Mr. *Hume* would like to know how far the secrecy was meant to extend; if he wished to contradict any statements that were made, could he communicate the evidence to the person who could contradict it?

The *Speaker* said, that as the House had decided that this was a committee of secrecy, the hon. Member would not be at liberty to furnish to any person the evidence which might be brought before it.

Mr. *Hume* could only say, then, that the committee would be of no use.

MENDICITY (IRELAND).] Viscount *Morpeth* said, that in pursuance of the understanding when the poor-law passed, that the mendicity clauses should be embodied in a separate bill—in pursuance of the reports of the Poor-law Commissioners, and particularly of the resident commissioners—and, lastly, in pursuance of the suggestions of many large bodies, and many boards of guardians already formed in Ireland—he now rose to ask for leave to bring in a bill for the suppression of mendicancy in Ireland. The present laws upon this subject in Ireland were liable to these objections and to these practical defects, that their definitions were obsolete and uncertain, or that they subjected the parties to such severe penalties as to defeat their own object; they gave the extreme punishment of transportation for vagrancy; and such was their severity, that, being repugnant to the feelings of the people, they could not be enforced. In the present bill, he had adopted so much of the vagrancy law of England as related to the suppression of mendicancy, without incorporating that portion of the English law which related rather to matters fit for a police code, than to the subject of the Poor-laws. He had endeavoured to make the law as simple, and the penalties as mild and as consistent as the difficulties of the subject would allow. His object was to relieve the proprietors, and the most poor of the proprietors, from the double charge of those to which they were now, for the first time, subject under the Poor-law Act, and those to which, at all times past and now, they were subject under a regular and organised system of mendicity, acting partly on an appeal to their benevolent feelings, and partly on the fear of mischief or injury from persons refused, or the dread of divine vengeance from a refusal to give alms. The bill which he proposed, would not apply so strongly to the wealthy class, or to the absentee proprietors; their lawns, and parks, and avenues, were sufficiently guarded against the intrusion of the mendicant's footstep: but it was in the cabin, that was most open to the winds of heaven, that was most open also to the mendicant's prayer. It was the meal that was composed of potatoes, that was, as he feared, the oftenest shared by the wandering stranger. Was it his wish to prevent these acts of charity and of benevolence? He had no such wish, the House had no power so to act; the current of charity was too deep, too universal, and too strong to be stopped by human law; but he wished to put under some control, and some check of the central body in Dublin, or of the resident magistracy, the regular and unprincipled trade of mendicancy, which too extensively prevailed in several parts of Ireland, where the most destitute were brought to contribute largely to the support of regular mendicants. He knew, that there were many difficulties to contend with; he was aware, that much might be said on both sides; he did not disguise from himself the difficulty of making alms-begging liable to punishment, in a country where the law gave no absolute right to relief; he proposed, however, to make it punishable only when the workhouses in a district should be built, and so long as the workhouses were able to contain all those whom the guardians should deem proper objects of relief; and on balancing the whole of the arguments on both sides, it did appear to him, that the balance leaned towards an Act putting under control professional mendicancy. He allowed, that there were doubts upon the minds of many persons; he did not wish to hurry the bill through the House; he would lay it upon the Table; and before he proceeded further with it, he would give full time for its being attentively considered by all, and especially by the Irish community; and with this intention he trusted there would be no opposition made to his obtaining leave to bring in the bill.

Sir *R. Peel* asked whether it was proposed under this bill, to tolerate a system of mendicancy when the workhouses were full, which was forbidden when there was accommodation for the poor in those workhouses?

Viscount *Morpeth* replied, that the penalties under this bill, only applied to parties taken up in the act of begging in districts where the workhouses were capable of receiving them.

Sir *R. Peel:* But supposing the workhouse in any particular district to be full, and that it would be impossible to receive any more inmates, would mendicancy be in that case tolerated in that district?

Viscount *Morpeth* said, that in such a case, no alteration was made in the law as it at present existed. There would be no penalties where the workhouses were incapable of receiving inmates.

Sir *R. Peel* observed, that it would be extremely difficult to fix the parties with a knowledge of the workhouse being capable of receiving inmates. The noble Lord had used the word "disorderly." Did he mean by this, the act of demanding alms accompanied by violence? If nothing more than this was meant, then the bill would afford no relief to the smaller proprietors—those who were now exposed to affecting appeals to their benevolence—appeals which they were always very ready to give ear to.

Viscount *Morpeth* said, that in using the word "disorderly," he referred to the asking of alms in any manner prohibited by the enactments of this bill.

Mr. *Shaw* was glad to hear from the noble Lord, that he meant to give full time for the consideration of this bill, upon which such great doubts existed. In reference to what the noble Lord had said, however, as to the understanding, with regard to this measure, at the time of the passing of the Irish Poor-law Act, he begged to remind the noble Lord, that the object of those who advocated the postponement of any enactment on the subject of mendicancy, was not merely to obtain separate bills, but to afford time for a full observation of the operation of the Poor-law in Ireland, before any attempt was made directly to suppress mendicancy.

Mr. *Lynch* supported the motion. It was impossible that there could exist two sorts of relief in Ireland—one in-door relief, according to law, and the other out-door relief, according to the established custom of the country. Yet such would be the case, unless some such measure as this was passed.

Mr. *M. J. O'Connell* said, that the great objection to the Irish Poor-law was, that while it took away what had been truly described by the hon. Member for Galway as out-door relief, according to the custom of the country, it did not substitute out-door relief according to law. The object of postponing this question had been to afford time for observing the operation of the Poor-law in Ireland, yet three weeks had scarcely elapsed since the establishment of the first union workhouse in that country. With so short an experience of the operation of that law, this bill was very premature. It would be much better to let the present system continue in operation a year longer before introducing such a measure as this.

Leave given.

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HOUSE OF LORDS,

Friday, March 20, 1840.

MINUTES.] Petitions presented. By the Duke of Buckingham, the Earl of Stradbroke, and Lord Redesdale, from several places, against, and by the Duke of Sutherland, and the Earl of Rosebery, from several places, in favour of the Total and Immediate Repeal of the Corn-laws.—By the Duke of Sutherland, the Marquesses of Londonderry, and Bute, and the Bishop of London, from a number of places, in favour of the Principle of Non-Intrusion.—By the Bishop of London, from several places, for Church Extension; and from one place, against any further Grant to Maynooth College.—By Lord Monteagle, from Lewes, for the Release of John Thorogood, and the Abolition of Ecclesiastical Courts.

CORN-LAWS.] The Earl of *Rosebery* presented a petition from Stirling, praying for the immediate and entire abolition of Corn-laws. He could not present that petition without stating to their Lordships his opinion that the evils of which the petitioners complained was by them grossly exaggerated, and that the remedy which they desired would be impracticable. The total abolition of the Corn-laws would be a fearful shock to the landed and other property, and it would produce most injurious consequences to the labouring population. He thought, however, that a change ought to be made which would benefit the commercial and manufacturing classes, without injuring the agricultural. He thought that an alteration in the scale of duties to the schedule proposed by Mr. Canning in 1827, would remove all the evils properly and reasonably complained of. The greatest inconveniences of the present system were its uncertainty. A lower and fixed scale of duties would prevent the fluctuations which were equally injurious to the agricultural and commercial classes. The Noble Earl also presented three similar petitions from parishes in the county of Stirling.

Lord *Ashburton* was sensible nothing could be more inconvenient than a discussion on this important subject on so slight an occasion as the presentation of a petition, and it was not his intention to produce one. But he could not allow the statement of the Noble Earl to pass by unnoticed—that great evil had arisen from the present system of Corn-laws. He thought if anything were wanting to justify these laws, it would be what had passed in this country during the two last years. He had been by no means favourable to the present state of the law on its introduction, but it was hardly possible to conceive any artificial system that would work more advantageously. There had been less fluctuation in this country than in any other part of the world. Looking at the great quantity imported, it was a matter of surprise to him to see how fully that supply had been brought in; and when Gentlemen talked of the dangers of fluctuation, they seemed to have forgotten that the price of food, above all other articles, was that in which there was necessarily great fluctuation, and it was matter of surprise to him to see how little fluctuation had taken place. When the law was introduced, it was expected the average price would be 60*s*., and if they looked carefully to the prices at different periods, it would be found that it frequently had not amounted to that, while in seasons of the greatest scarcity the whole extent of the advance had been from 60*s*. to 66*s*. If they looked at other parts of the world they would find that the fluctuation had been still more considerable—on the shores of the Mediterranean, for instance—while those which might be more particularly called the Low Countries of the world—he meant the plains of the Ukraine—had, only two years ago, suffered from the most fearful famine, and yet these persons expected, notwithstanding the fluctuations of the seasons, which were constantly occurring, that the articles of human food—of all articles the most liable to fluctuation—should not fluctuate at all. But let them compare the fluctuations in the price of corn with the fluctuations which had taken place in the prices of other articles of commerce. In the price of iron, of wool, and of cotton, fluctuations infinitely more extensive had taken place than in the price of corn. It was, therefore, a fallacy to say that the Corn-laws were in fault, or that they had not worked well, and if the subject should be properly brought before their Lordships, he should be in a condition to prove that the Corn-laws had worked better than the proposers of them could have possibly supposed. It was said, that the operation of the Corn-laws had produced the difficulties at present existing with regard to the currency. Nothing could be more fallacious. No person could say that the necessity of sending six or seven millions sterling abroad had not contributed to those difficulties; but if they passed any law limiting the home production, they would find that when that year of difficulty came, and come it assuredly would, instead of seven millions, they would have to send abroad twice seven millions, and it was impossible but what many of those able persons who were now agitating on the subject of the Corn-laws, as they last year agitated the question of the penny postage must be perfectly aware of the fallacy of this argument. He apologised for intruding himself on their Lordships, but he felt that this was a question not fit to be agitated in large bodies, where people were always ready to lay the fault of their difficulties on somebody or other, but he felt that a subject which if fully, freely, and calmly discussed, would be demonstrated to have suffered greatly from the fallacies which had been used in discussing it before large public bodies.

Petition laid on the table.

HOUSE OF COMMONS,

Friday, March 20, 1840.

Minutes.] Bills. Read a first time:—Mendicancy (Ireland).—Read a third time:—Tithe Commutation Act Amendment.

Petitions presented. By Messrs. E. Buller, Thornley, E. Ellice, A. White, Horsman, Greg, Heathcote, Wallace, Hume, Fenton, Sir B. Hall, Sir G. Strickland, and Colonels Salway, and Anson, from an Immense number of places, for, and by Messrs. A. Duncombe, Maunsell, T. D. Acland, Chute, and Darby, from several places, against the Total and Immediate Repeal of the Corn-laws.—By Sir James Graham, Messrs. T. D. Acland, A. Duncombe, Crampton, Darby, Macaulay, Chute, Dugdale, and Maunsell, from a great number of places, for Church Extension.—By Messrs. T. D. Acland, Dugdale, and Neeld, from several places, against any further Grant to Maynooth College.—By Messrs. C. Lushington, Baines, Hume, and Brocklehurst, and Sir B. Hall, from Leeds, Glasgow, Huntingdon, and other places, for the Release of John Thorogood, and the Abolition of Church Rates, and of the Jurisdiction of Ecclesiastical Courts.—By Messrs. G. Craig, E. Tennent, R. Steuart, Houston, and Sir James Graham, from a number of places, in favour of the Principle of Non-Intrusion.—By Mr. A. Duncombe, from East Retford, for the Reform of County Courts.—By Mr. Darby, from one place, against Parts of the Tithe Commutation Act.—By Mr. Wallace, and Mr. Hume, from three places, for Annual Parliaments, Universal Suffrage, and Vote by Ballot.—By Mr. T. Duncombe, from Finsbury, for a Free Pardon to Frost.—By Sir B. Hall, from Marylebone, and St. Pancras Parishes, for Permitting Sunday Baking.—By Sir E. Knatchbull, from a place in Kent, in favour of the Tithe Commutation Act.—By Sir James Graham, from two places in Nova Scotia, against the Clergy Reserves Bill.

PRIVILEGE. STOCKDALE *v.* HANSARD —PETITION.] Mr. *T. Duncombe* presented the petition of John Joseph Stockdale, now a prisoner in the gaol of Newgate, under and by virtue of the Speaker's warrant, praying that Mr. Howard, his attorney, his son the younger Mr. Howard, and the attorney's clerk, now confined in the gaol of Newgate, should be liberated, and that he himself should be permitted to be heard at the bar of the House against any bill affecting his right to plead in a court of law. The hon. Member moved that the petition be read by the clerk, which was agreed to, but it was perfectly inaudible in the gallery.

Lord *John Russell* hoped the hon. Member for Finsbury would not press the reception of this petition upon the House. It was so far from being respectful in its terms, that he must oppose its being received.

Mr. *T. Duncombe* really did not know what passage in the petition the noble Lord considered as an insult to the House. He wished the noble Lord would mention what passage in the petition he considered to be an insult. He had read the petition, as he considered himself in a certain degree responsible for the language of the petitions he presented being respectful, and he must say he thought there was nothing improper in the petition. There were a few quotations from scripture in it, but the noble Lord could not object to them. He had so far considered the petition a proper one that he had intended to move the prayer of it should be granted, and that Stockdale should be heard at the bar of the House, previous to the third reading of the bill, which, as regarded Mr. Stockdale, was a bill of pains and penalties; and it was always usual in a case of that sort that the individual intended to be affected should be heard against it. He thought that Mr. Stockdale had certainly some claim on the House, because from the day he had been committed into the custody of the Sergeant-at-Arms he had never been asked if he had anything to say in extenuation or explanation of his conduct, which the other prisoners had been. He should be sorry to convey anything disrespectful to the House, but until he knew what the objectionable passage was, he could not, in justice to Mr. Stockdale, consent to withdraw the petition.

Viscount *Howick* said, that if the hon. Member for Finsbury pressed the petition, he should feel it to be his duty to move that it be rejected.

Mr. *Hume* thought that the House ought to know what the objectionable parts were. The clerk had certainly read the petition, but he believed the House had not heard one word of it. Some means must be adopted by which the petitions might be heard; and he thought that, in fairness to this case, they ought to know what the passages were which the noble Lord objected to.

Mr. *Labouchere* observed, that the petition was read in such a tone of voice, that if the House had been silent, every word might have been heard. If it was not heard the fault was with the House, and not with the clerk.

Sir *Edward Sugden* said, the petition was read very distinctly, but the House not being aware that an objection would be taken on account of the language of it, had not paid particular attention while it was read. He had caught the substance of it, but had not caught the particular words.

Captain *Boldero* thought that, as the hon. Member for Finsbury had stated he had read the petition, and that he did not think there was anything disrespectful in it, the House ought to rely upon his word and receive the petition as unobjectionable, on the responsibility of the hon. Member who presented it.

The petition was again read.

It alleged that the son of the attorney owed naturally a duty to his father, and the clerk was bound to obey the commands of his master as his servant; they, therefore, ought to be considered guiltless of any offence against the House in the case of the actions brought by Mr. Howard for the petitioner, and ought to be forthwith discharged. That Mr. Howard himself was with difficulty induced to undertake the actions, and only did so in consequence of the urgency of the petitioner. Mr. Howard in a note to him (Mr. Stockdale) stated, it is with reluctance I feel obliged to decline bringing the action against Messrs. Hansard, as I conceive it would be considered a breach of privilege by the House of Commons. The petitioner further stated, that he was suffering the consequences of the groundless displeasure of the House for having availed himself of his just rights under Magna Charta. That, contrary to that charter, the under-sheriff refused, under the sanction of this House, to execute an inquiry as to the amount of damages alleged by him to have been sustained by reason of a libel published against him by the printer. The words of Magna Charta were decisively in his favour, where it stated, "*Nulli negabimus, nulli vendemus, vel differemus justitiam vel rectum.*" The under-sheriff, in reference to the latter part of the passage from Magna Charta, had violated the ancient law of the land, and defeated the right of trial by jury, and the petitioner was rendered a victim to the powerful conspiracy to defeat his rights. The petition concluded by praying for the release of those confined on account of the actions brought by him, so that he might alone suffer the consequences of their groundless displeasure; and also, that, before the House proceeded to pass the Printed Papers Bill, which had reference to those actions, he should be heard, in person, at the bar of the House.

Lord *J. Russell* said, that Stockdale having been committed for a breach of privilege, now approached the House under the guise of a petitioner, alleging that their proceedings were illegal, and their displeasure groundless; while, on the other hand, the sheriffs, by whom petitions had been presented, addressed the House in decorous and respectful terms; but the present petitioner not merely was disrespectful — not merely spoke of their proceedings in no measured terms, but sought to impute to them some of the gravest offences known to the law. He need not recur to other parts of the petition for the purpose of showing the disposition which the petitioner manifested to display what he thought his triumph over the House. He must say, that he did not think the petition was one which ought to lie on the table of the House.

Sir *R. Inglis* observed, that the effect of the supposed innuendoes depended upon the interpretation of the quotations. They might or might not apply to the House. [*Cheers.*] He apprehended from those cheers it was assumed that, as a matter of course, those innuendoes were intended as an insult to the House. Now, he was struck with the very temperate tone of the petition. One of the phrases in it that was complained of was, "that his liberty had been erroneously invaded," but in his (Sir R. Inglis's) opinion, a milder phrase for a person who was incarcerated in her Majesty's gaol of Newgate was not to be found in any similar document. If any person could complain of the petition, it was the sheriff, for he was attacked in open terms without any innuendoes, and was accused "of having unconstitutionally acted in the matters of this petitioner." At least the House would regard with leniency the feelings of a man who considered himself to be unjustly confined by their order. He would ask them, if it were not too great a condescension on their part, to put themselves in the position of the person now interested. That person had been incarcerated for seeking compensation for a wrong which, in the opinion of a jury of his country, he had received — a judgment, too, which the House had themselves invoked. It would not, in his opinion, be proper to analyze too strictly the terms of the petition in which the petitioner did not ask to be released, but simply to be permitted to plead at the bar of the House in his own defence. Under these circumstances, he trusted that the noble Lord would not continue his opposition; but, if he did, he should divide with the hon. Member for Finsbury.

Viscount *Howick* merely wished to say, that, in his opinion, it was impossible for the House to listen to this petition, and not perceive that it offered a deliberate insult to the House. The petitioner talked of his illegal detention. That might be the opinion of hon. Gentlemen opposite, but was not the opinion of the majority of the House. It appeared to him that it was impossible the House could receive this petition, and he should, therefore, move that it be rejected.

Sir *G. Strickland* said, that although he joined the noble Lord and majority of the

House in supporting their privileges, he could not consider that, in this instance, he should be doing justice to the petitioner if his petition were rejected. All that was required by the House was, that a petition should be respectfully worded. The question, therefore, now was whether this petition was so worded, and he really thought no one could doubt that the concluding part of the petition was quite in accordance with the rules and customs of the House. The only way in which the petition could be made disrespectful to the House was, that Stockdale had had the bad taste to interlard certain portions of Scriptures which, perhaps, might bear the construction of an intention to insult the House. He thought they ought also to take into consideration that this man was placed in durance vile, and upon these grounds he should vote that the petition be received.

Mr. *Hume* said, he had supported the noble Lord in defence of the House, but as he had brought in a bill by which he declared all their proceedings illegal, that was all the difference between him and the noble Lord. Why, the noble Lord declared he required a new law, and consequently that he had previously been acting without any law. How, then, could the House object to this petition, because it said, that the petitioner had been illegally confined?

Mr. *Greene* objected to the petition, because it contained irreverend quotations from Scripture.

Sir *E. Sugden* wished that the noble Lord had not placed the House in this state of embarrassment. It could not be denied that these actions had been vexatiously brought by Stockdale, but the House ought not to be very delicate in the terms of the petitions of this nature, for Stockdale had the law on his side, although the House considered their law superior. He thought the petition was couched in a very bad sense, and he could very much have wished it had not been done; but, as they were carrying through a bill for putting a speedy end to these actions, which by law could now be brought, surely Stockdale might be heard at the bar in his own defence. They would not, however, shut out that remedy if they proceeded with the bill, and rejected this petition. He should, therefore, reluctlantly vote against the noble Lord.

Sir *R. Peel* said, he should always be reluctant to reject petitions on the ground of any captious objections. They ought not to seek for any pretence for doing so; but he thought that, if there were an evident intention of offering a deliberate insult to any authority, that authority ought not to receive such petition, not so much on the ground of its offended dignity, as for the purpose of defending the sacred right of petitioning. The question, then, must resolve itself into this—was there, in this instance, a deliberate insult offered to the House? He thought there was. He could not understand what other object the petitioner had in quoting, as he had done, from a work which he printed in 1827, and published in 1831. When he saw those quotations, he could not hesitate to say, that he thought the motion went as near as possible to offering an insult to the House. And as for the quotations from the Scriptures, he thought it a very bad practice, especially when they were introduced for the purpose of insult. If, therefore, he were to decide on the intention of this petition, he could not say but he thought there was an intention to insult the House, and that no petitioner had a right to use any terms which approached an insult. It was difficult, however, to exercise any discretion on a petition, except to reject it, particularly as it had been reserved until the last moment of the last day. He thought, also, there was another ground for rejecting it. By a large majority the House had determined they were in possession of this privilege. They had committed the sheriffs for not respecting that: one of the under-sheriffs had shown every disposition to defer to the authority of the House, and even those who differed from the majority had given credit to the sheriffs for doing every thing in their power to conciliate their duty to the House. The under-sheriff had presented a petition to the House, and this was the way in which the present petitioner had spoken of him, to this effect—that the petitioner found, from the printed evidence taken at the bar of the House, that the under-sheriff had done all in his power to delay the administration of justice for unconstitutional purposes, and to save the House the amount of the compensation awarded to him. If the House of Commons declined to receive this petition, it would be because they had a right to require that the petitions presented to them, however firm and plain spoken they might be, should be couched in respectful language, and not in such language as that of the present petition.

The House divided on the original question, that the petition lie on the table.—Ayes 25; Noes 196: Majority 171.

List of the AYES.

Boldero, H. G.
Bradshaw, J.
Chute, W. L. W.
Duncombe, hon. W.
Duncombe, hon. A.
Fitzroy, hon. H.
Gisborne, T.
Grimsditch, T.
Ingestrie, Visct.
Inglis, Sir R. H.
Jones, J.
Knatchbull, rt. hon. Sir E.
Mackenzie, T.
Mahon, Viscount
Maunsell, T. P.
Neeld, J.
Norreys, Lord
Palmer, R.
Plumptre, J. P.
Polhill, F.
Strickland, Sir G.
Sugden, rt. hon. Sir E.
Wakley, T.
Wood, Sir M.
Wood, Colonel T.

TELLERS.
Duncombe, T.
Hume, J.

List of the NOES.

Acland, Sir T. D.
Aglionby, H. A.
Aglionby, Major
Anson, hon. Col.
Archbold, R.
Baillie, Colonel
Baines, E.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Visct.
Barron, H. W.
Barry, G. S.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Blake, W. J.
Bowes, J.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Byng, G.
Campbell, Sir J.
Chichester, J. P. B.
Clay, W.
Clerk, Sir G.
Clive, E. B.
Collier, J.
Colquhoun, J. C.
Compton, H. C.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Currie, R.
Curry, Sergeant
Dalmeny, Lord
Damer, hon. D.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
Donkin, Sir R. S.
Douglas, Sir C. E.
Dundas, C. W. D.
Du Pre, G.
Egerton, W. T.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, E.
Ellis, W.
Evans, Sir De L.
Evans, G.
Feilden, W.
Filmer, Sir E.
Fox, S. L.
Fremantle, Sir T.
French, F.
Gordon, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grimston, Viscount
Guest, Sir J.
Hamilton, Lord C.
Hardinge, rt. hon. Sir H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Henniker, Lord
Herries, rt. hon. J.
Hill, Lord, A. M. C.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Howick, Visc.
Humphrey, J.
Hutt, F.
Hutt, W.
Hutton, R.
Irving, J.
James, W.
James, Sir W. C.
Knight, H. G.
Knox, hon. T.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Lockhart, A. M.
Lushington, C.
Lushington, rt. hon. S.
Macaulay, rt. hon. T. B.
Mackinnon, W. A.
M'Taggart, J.
Marton, G.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Nicholl, J.
Noel, hon. C. G.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Paget, F.
Pakington, J. S.
Patten, J. W.
Pattison, J.
Peel, rt. hon. Sir R.
Philips, M.
Philips, G. R.
Pigot, D. R.
Pigot, R.
Planta, right hon. J.
Praed, W. T.
Pusey, P.
Rae, rt. hon. Sir W.
Rice, E. R.
Rich, H.
Richards, R.
Roche, W.
Rushbrooke, Colonel
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Sheppard, T.
Sinclair, Sir G.
Slaney, R. A.
Smith, A.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vere, Sir C. B.
Vernon, G. H.
Vigors, N. A.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, Colonel
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
Stanley, E. J.
Parker, J.

Petition rejected.

PRIVILEGE—STOCKDALE *v.* HANSARD—BILL TO SECURE PUBLICATION.] The Printers Papers Bill on the motion of Lord John Russell was read a third time.

Sir *R. Inglis* said, that in pursuance of the notice which he had given for the introduction of a clause to be inserted in the bill which was then before the House for the third reading, he wished to state that the clause in question was similar in its import to the spirit and meaning of that bill, which declared that it was essential to the due and effectual exercise and discharge of the functions and duties of Parliament, and to the promotion of wise legislation, that no obstructions or impediments should exist in the publication of its reports, votes, and proceedings. The object of the House by the preamble of the bill was to extend, as far as possible, the proceedings of the House, and the grounds upon which these proceedings were based. There had been obstructions raised against the publication of their proceedings by the Courts of Law, and for that reason the present bill had been introduced for the protection of the printer and publisher of the House. The House by the bill protected its own printer, its own publisher, and its own vender of its papers. When, however, the hon. Member for Ripon had asked for protection to the retailer of the papers he purchased from their publisher the House refused the application. He would ask if there were any consistency in refusing protection from civil and criminal prosecutions to those who reprinted their reports and proceedings word for word? What could be the motive for refusing that protection to the publishers and printers of newspapers which the House of Commons extended to its own printer and publisher? Was it to preserve the monopoly of copyright? Was there a jealousy in favour of the Messrs. Hansard's, lest the *Times* and *Morning Post* papers should compete with them successfully, and deprive these privileged publishers of the retail profit in the trade market of the country? Had the House a more worthy motive than that? They could see that the printers and publishers of newspapers were their petitioners, and stated that, while the printers and publishers of the House were protected from prosecutions, they were left to take whatever penal consequences the law might inflict upon them. Was it the object of the House to obtain for their proceedings the largest publicity? If so, what more effectual means could be employed than by granting an immunity to newspapers to reprint and republish their proceedings? His right hon. Friend, whose speech had decided the last division, had stated that the House had decided by a large majority, that they possessed the privilege of publication with impunity. By a much larger majority the House had entertained that very proposition, and declared that the House did not possess the privilege. They substituted legislation for privilege, and by that act annulled their own previous resolution. What had been privilege before was then on the verge of becoming law—a law as definite and distinct as the Habeas Corpus or any other legislative enactment. After the passing of the bill the House would possess by law what before had been claimed as privilege. Since the House found it necessary to secure itself, its officers, and servants, within the protection of the law—for the purpose of extensive publication, too—how could it, in justice or consistency, refuse to printers and publishers of newspapers, whose facilities for the extension of the publication of the proceedings of the House were undoubted, that protection which the House extended to its own printers and publishers? The petitioners, in whose behalf he had introduced the clause in question, did not complain of the existing state of the law, but they complained that they would be placed in a worse condition after the passing of the bill than before; they stated that at the present they print the reports and proceedings of the House at their own risk, and take the consequences; but by the alteration of the law, the vengeance of the law would be pointed against them, and they therefore pray that the House would interpose and prevent the infliction of that vengeance. They did not seek for an alteration of the existing law; but if that law were altered they sought that protection which the House extended to its own printers and publishers. They asked for the reprinters equal protection with the printers. The object of the clause was limited to the case of printers who reprinted the proceedings of the House. It might be asked why it was that he asked for impunity of publication to newspapers only. To that he would reply that, in the first place, newspapers paid a considerable amount of direct taxes to the Government; and, secondly, that they printed and circulated the proceedings of the House. Upon that ground he thought they were entitled to protection. But he would claim protection for newspapers upon another ground. By its own showing, the House declared that their object was extreme and extended publicity, and he would ask if the reports which had been laid upon the table of the House, and circulated gratuitously among the Members, did not obtain a circulation ten times greater by the instrumentality of newspapers than by any other means within the power of the House. For carrying into execution its own objects, the House left newspapers exposed to prosecutions in civil and criminal courts; nay, more, it exposed them to greater risks than they had before incurred. Of course the House would understand that he limited by his clause the privilege of publication with impunity to stamped and not to unstamped newspapers; not for those who disobeyed the law, but for those who obeyed it by the payment of stamp duty. Could it be contended that the Speaker of the House of Commons, or the Lord Chancellor, who sat as Speaker of the House of Lords would not condescend to issue certificates such as were embodied in the clause which he was about to move? The House would recollect that the gist of the clause was to protect those parties who had no other demerit in the eye of the law except that they had done without authority which the House had directed to be done by its authority. Besides the printing and publishing of the proceedings of the House by newspapers was in direct opposition to the authority of the House, but concurrent with its avowed objects and wishes. The House openly declared that it was highly expedient to circulate its proceedings as widely as possible; yet, by rejecting the clause which he was about to propose, they would be virtually leaving the prosecutions and penalties from which they were then about to emancipate themselves to those who accomplished the very objects which the House had in view. To the bill he had the strongest objections, but no objections could be anticipated to the clause in question should the bill pass into a law. There was no doubt, but that the promoters of the bill had made great concessions during the progress of its discussion. They did not specifially, though they indirectly did, concede all the points at issue. The object of the bill was, to make that law which had been hitherto pronounced privilege; and hon. Members opposite had conceded that point. If, then, such concessions had been made by the noble Lord and hon. Members opposite, a much greater concession would be made by each hon. Member who had supported the former concessions acceding to and voting for the insertion of the present clause. All he required was, that if the House invested its own printer and publisher with a protection never before known, it would extend a similar protection to the petitioners, and which protection was essentially important, not only to their own commercial functions, but essential also to the objects of the House; namely, an extended circulation of its reports and proceedings. There was another reason why he would put this upon the consideration of the House. In the course of the last year an action was brought against *The Times* newspaper, for the insertion of a libel against a person named Polack, which was contained in an extract of a report of a committee of the House of Lords. On that occasion his right hon. Friend took an effective part in the debate, as usual, decisive of the result, and he stated that the object of the Committee of the House of Lords was not to report its own opinions for the information of the House of Lords alone, but for the benefit of the community at large. If that were so, would not the parties who reprinted these proceedings confer great benefit upon the community by the republication. No action was brought against the House of Lords or Commons on that occasion, but an action was brought against the *Times* newspaper for the reprint of an extract.

An *Hon. Member* remarked that the action was not against the *Times*, for the publication of the abstract of the report, but for some comments which were made upon it in the body of the paper.

Sir *R. Inglis* had not recently read the law proceedings in the case, but his remarks referred to the discussion which had taken place in the House when reference had been made not to the comments in the body of the paper but to the extracts from the report of the committee of the House of Lords. He believed too that the action was brought for the reprint not for the remarks. In the case of the King *v.* Wright, he was certain that the action had been brought not for any commentary but for the reprint. Unless the House was jealous of the copyright of its publications it would accede to the insertion of the clause, not for the purpose of countenancing commentaries, but for the protection of the reprinting and extending the circulation of their proceedings. The purport of the clause was that the party against whom the action should be brought, or against whom law proceedings should be instituted, should have the power of applying to the Speaker of the House of Commons, or to the Lord Chancellor, which should be authorized to grant it, and obtain a certificate stating that the report, for the publication of which the action was brought, or the legal proceedings instituted, had been published by order of the House of Lords or Commons. The hon. Baronet concluded by moving the insertion of the following clause in the bill.

"And be it further enacted, that it shall and may be lawful for any person or persons who hereafter shall be a defendant or defendants in any civil or criminal proceeding, commenced or prosecuted for the publication of any such report, paper, votes, or proceedings, in any newspaper published according to the direction of an Act passed in the seventh year of his late Majesty King William the Fourth, chapter 76, intituled 'An Act to reduce the Duties on Newspapers and to amend the laws relating to the duty on newspapers and advertisements,' to apply as aforesaid for a certificate, stating that the reports, papers, votes, or proceedings, forming the ground of such civil or criminal proceeding, was published by order or under the authority of the House of Lords or of the House of Commons (as the case may be), and which certificate is hereby authorised to be granted upon such application, and, having obtained the same, to apply to any Judge of any of Her Majesty's superior Courts of Common Law, at chambers or elsewhere, upon an affidavit verifying such certificate; and further deposing that such publication in such newspaper was a true transcript or copy of such report, paper, votes, or proceedings, and thereupon it shall and may be lawful for such Judge, upon due summons and notice, to stay such civil or criminal proceeding upon such terms as to such Judge shalt seem fit."

The *Attorney General* could not help observing, that the hon. Baronet had of late very much expanded his notions of the benefits of publicity. At first he strongly insisted that the publication should be limited to 658 copies, but now, not satisfied with full protection to their officers in publishing the proceedings, he contended for unlimited impunity to all who copied their reports in the newspapers. He rejoiced the hon. Baronet had made this great concession. He hoped all stamped newspapers would republish the reports of that House. It would be highly beneficial. He hoped the republication would not be confined to the stamped newspapers. Without, of course, alluding to the unstamped illegal papers, he trusted their reports would still be republished in various other journals besides the stamped newspaper press. This would greatly add to the benefit which those reports had hitherto conferred on the public. At the same time, he must oppose this clause, because, although the hon. Baronet might not entertain such a notion, he believed it would be prejudicial if not fatal to the bill. He did not believe that the bill which, on the whole, he thought would be beneficial to the public, would have any chance of passing into a law if such a clause were inserted. They were not now reviewing the law of libel. He hoped the time would come when it might be reviewed and greatly improved. But they were not now considering what actions might be brought for libel, and what defence might be set up. He trusted the time would arrive when truth would not be a libel, and when it would be a sufficient defence to any prosecution that the allegations contained in the publication were true. But they were now merely providing a particular remedy for a particular grievance. What was the grievance? That actions had been brought against the printers of the House of Commons, for papers published by authority of the House. This was the grievance, and the remedy ought not to go further. There was not a single instance of an action for libel against any newspaper for republishing reports of either House of Parliament. The case of "Polack *v.* Lawson," was not such as had been described by the hon. Baronet. It was not for reprinting the report, but for making extracts, and comments on those extracts. A justification was established, and there ought, in his opinion, to have been a verdict for the defendant; but it seemed otherwise to the Court, and the verdict was in favour of the plaintiff. There had been no action for *bonâ fide* republication of a report, and he believed no such action would be attempted—no such indictment would be preferred. There was, therefore, no necessity for legislation on that ground. It was supposed that newspapers would be in a worse situation after the bill passed;

there could not be the slightest ground for such an apprehension. The bill commenced by asserting the necessity of all publications which either House of Parliament should think necessary for public information, and that no proceeding should be established against their officers on that account, and with such a declaration combined with "The King *v.* Wright," no newspaper need be under the smallest apprehension of any proceeding civil or criminal, for simply republishing a report of either House of Parliament. But the great objection to the clause was this, it was beyond the scope of the bill, according neither with its title nor principle: the machinery of the bill would not at all produce the effect which the hon. Baronet desired. There could be no difficulty in the Speaker granting a certificate when an action was brought against an officer of the House; it would only be necessary to say, that the publication had taken place in consequence of the order of the House. But if the action were brought against *The Times*, the *Morning Chronicle*, or *Post*, for any extract, or extract with comments, how could the Speaker grant a certificate? The Speaker would be obliged to inspect narrowly the whole newspaper, to look at the leader, and read the various other articles—to see whether some parts of the report were not in italics, whether other parts were not purposely omitted. He did not say respectable journals would resort to such practices, but this investigation would be absolutely necessary, in order to ascertain that no malicious motive to ruin private character lurked under the pretence of republishing a report of the House of Commons. Nor could this be left to the judge, for then he would have to determine whether the Speaker had rightly or wrongly granted the certificate. Such a course would also substitute the judge for the jury in determining whether the republication was *bonâ fide* or not. The whole proceeding would be anomalous and unknown to the law of England. It would be much better that the bill should be confined to its original object, and that the remedy should not be extended beyond the grievances.

Sir *E. Sugden* believed the case contemplated by this clause could very rarely occur, because it seldom answered the purposes of newspapers to copy the whole of a report, their object being to give a faithful abstract or condensed view of the contents of such reports only as were particularly deserving of public attention. His opinion was, they should be protected in so doing. He had withdrawn his clause, which would also have protected parties who should print their reports in the shape of books, not because he had any doubt of the propriety of the principle on which it was founded, but because upon reflection he found the machinery of this bill would not work it out. If a bill were brought in to provide for the various objects he had mentioned, he should be a strenuous supporter of it. At the same time, he hoped his hon. Friend would not press this clause now, although he agreed with him entirely in its principle. It was some satisfaction to know, that newspapers would not incur much risk in making *bonâ fide* extracts from the reports of Parliament; because, although he did not believe that this bill by implication would authorize a judge to consider a republication in a newspaper as not amounting to a libel, he did agree, considering how the matter now stood, that *bonâ fide* republication, without comments, of any article which passed in a great court, or in the high court of Parliament, for the public information, without any malicious motive, would be found altogether, perhaps, certainly to a very great extent, guarded and warranted by the rules of law. Still, he hoped some measure would be introduced calculated to effect fully that great public object, and in this expectation he trusted his hon. Friend would not press the clause.

Sir *R. Inglis* said, he had been in some degree misunderstood, as to the machinery which was to be employed to effect the object of protecting the newspapers. He did not intend to give the Speaker all the trouble of comparison, as alluded to by his right hon. and learned Friend. He intended simply, that in the certificate it should be insisted that extract 271, or whatever number it might be, was published by the House, and that the newspaper containing that extract exhibited a fair transcript of it. All that the judge would require was a certificate that the transcript was a faithful one. As, however, he did not receive such support to the clause as he had anticipated, he would not give the House the trouble of dividing upon it, as he would at once withdraw his motion.

Motion withdrawn.

Sir *E. Sugden* moved the omission of the second clause. The matter had already been so fully debated, that he should not detain the House with a single observation. His object was to draw a distinction between the first and second actions. He considered the actions brought by Stockdale purely vexatious; but, if in the case of Howard there had been an excess on the part of the servants of that House in executing the warrant of their officer, in respect of which he had a right of action by law, they were not entitled to take it from him.

Lord *J. Russell* did not think it necessary to enter into any discussion in favour of the clause. He would content himself with simply observing, that the clause referred to numerous questions and actions which had been brought in the course of the present Session, and when they were legislating on the subject, it did seem expedient to put an end to the whole together.

Viscount *Howick* thought the clause liable to objection, inasmuch as it merely disposed of such actions as should be brought against their officers up to the time when the bill received the Royal assent. While it protected them in one instance, it seemed to throw a doubt on their powers hereafter to commit persons to prison for a breach of their privileges. He would therefore support the motion to omit it.

The *Attorney-General* said, the clause in question would effectually prevent all actions for matters occurring up to the time when the bill should receive the royal assent. If this could be done without injustice, and without endangering their privileges, it was very desirable to obtain such an object. It had been said, that Mr. Howard brought his action because one of their messengers entered his house, and waited two hours for his return. It was for the House to decide whether that action was to go on. If the clause were altered as required, it would introduce great inconvenience.

Mr. *Darby* said, if actions were afterwards brought, the House would be placed in the same difficulty which the clause was intended now to extricate them from. It was true the clause would get rid of all difficulties up to the time of the royal assent, but after that time, if actions were brought, the House would have to propose another enactment. If the actions before the bill passed were not right, the actions after the bill would be equally wrong; but, if right, then the House was wrong in stopping them in the manner they proposed. If the House intended to stop actions in general, why did they not have courage enough to bring forward a clause to stop all actions.

Sir *R. Peel* expressed his apprehension that the clause, although it might give a temporary protection, would have a tendency to weaken the privilege of Parliament if it should be necessary to take any steps with respect to any future actions. He had no doubt that the privileges of the House were equal to any emergency, but if they were pushed to an extreme, that might be productive of great public inconvenience. He had voted for the bill because he thought it would give a more simple and summary protection to the officers of the House. He apprehended the courts of judicature had ruled the right of the sergeant to execute the orders of the House. That right was distinct from the right of the House to print papers, but it might become a question whether the subordinate officers might not have exceeded their authority. He thought that they could have postponed legislation on this particular point until some other case should arise, when there might not be so much excitement of the public mind, it would have been a great advantage. But on the whole he was inclined to vote in favour of the clause, at the same time admitting the inconvenience to which he feared it might possibly lead.

Sir *R. Inglis* said, that there was no warrant, however legal in itself, which might not be illegally executed. He protested against the Speaker's warrant being considered a sanction for any unlawful acts which might be done under it. He objected to the clause, therefore, and hoped his right hon. and learned Friend would divide the House against it.

Mr. *Hobhouse* objected now, as he had done from the commencement, to the whole bill, and to this clause as well as the rest.

The House divided on the question that the clause stand:—Ayes 110; Noes 40: Majority 70.

List of the AYES.

Adare, Viscount
Aglionby, H. A.
Aglionby, Major
Alston, R.

Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, W. J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Buller, Sir J. Y.
Busfeild, W.
Butler, hon. Colonel
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Collier, J.
Courtenay, P.
Curry, Sergeant
Damer, hon. D.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
Divett, E.
Douglas, Sir C. E.
Dnnbar, G.
Dundas, Sir R.
Elliot, hon. J. E.
Evans, Sir De L.
Evans, W.
Fremantle, Sir T.
Gordon, R.
Goulburn, rt. hon. H.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hardinge, rt. hn. Sir H.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Herries, rt. hn. J. C.
Hodges, T. L.
Humphery, J.
Hutton, R.
Langdale, hon. C.
Lister, E. C.
Lowther, J. H.
Lynch, A. H.
M'Taggart, J.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
O'Connell, J.
O'Conor, Don
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Peel, rt. hn. Sir R.
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Pinney, W.
Praed, W. T.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Rice, E. R.
Rickford, W.
Roche, W.
Rundle, J.
Rutherford, rt. hon. A.
Scholefield, J.
Seymour, Lord
Slaney, R. A.
Stanley, hon. E. J.
Stanley, E.
Stansfield, W. R. C.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Tancred, W. H.
Teignmouth, Lord
Troubridge, Sir E. T.
Turner, E.
Vernon, G. H.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
White, A.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Winnington, H. J.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Anson, Colonel
Tufnel, H.

List of the NOES.

Bentinck, Lord G.
Boldero, H. G.
Bradshaw, J.
Broadley, H.
Bruges, W. H. L.
Cochrane, Sir T. J.
Duncombe, T.
Duncombe, hon. A.
Ewart, W.
Fitzroy, hon. H.
Gisborne, T.
Goring, H. D.
Grimsditch, T.
Hobhouse, T. B.
Hope, G. W.
Howick, Viscount
Hume, J.
Ingham, R.
Jones, J.
Kemble, H.
Knatchbull, right hon. Sir E.
Mackenzie, T.
Martin, J.
Maunsell, T. P.
Neeld, J.
Neeld, J.
O'Brien, W. S.
O'Callaghan, hon. C.
Pemberton, T.
Plumptre, J. P.
Pusey, P.
Richards, R.
Rushbrooke, Colonel
Rushout, G.
Sugden, rt. hn Sir E.
Sutton, hon. J. H. T. M.
Vigors, N. A.
Warburton, H.
Wood, Colonel T.
Wood, B.

TELLERS.

Inglis, Sir R. H.
Darby, G.

Bill passed.

ROYAL MILITARY ACADEMY AT WOOLWICH.]—On reading the order of the day for going into committee on the ordnance estimates,

Captain *Boldero* rose to draw the attention of the Master-general to the state of discipline at the Royal Military Academy, Woolwich. He said that there had been various rumours circulated in naval and military circles that Government had ventured to make the patronage of this school subservient to party purposes. These reports, however, he believed to be unfounded. But there were other statements current respecting the discipline of that academy which deserved their attention. It appeared that the superintending authorities had thought it necessary in the course of the last season to remove no less than sixteen or seventeen cadets from that establishment. In former times that number was not removed in many years, and he feared that some of those dismissals had taken place on such light grounds as idleness, or boyish mischief. It should be recollected that such expulsions acted as complete barriers to admittance into the army and navy, and also to the service of the East India Company; most serious drawbacks to the advancement in life of a youth whose only error had been negligence of study, wildness, or thoughtlessness. He heartily hoped that no pupil had been expelled from the Royal Academy whose moral conduct had not been found tainted and stained with some criminality which called for such decisive marks of reprobation. In one case three of the pupils had combined to test the courage of a comrade. In pursuance of the joke, they got up a pretended quarrel, and charged a pistol with gunpowder, and a piece of sponge saturated with blood. The event was highly favourable to the character of the youth who was thus placed on his trial, and though some unexpected injuries took place, and it deserved some kind of punishment, it certainly was not an affair that called for such a serious and disgraceful mode of repression. During the war pupils were admitted at the age of fourteen; but now they were not allowed to enter till fifteen, although he had never heard that any practical inconvenience resulted from the rule of entrance adopted during that very trying and important period. He had made this suggestion because, having been educated at this establishment himself, he knew the worth of it; and he appealed to the distinguished general officer opposite whether he should not exercise the prerogative entrusted to him by restoring some of these young gentlemen, whose conduct had not been tainted by the exhibition of bad and vicious principles, so as to give them the opportunity of regaining the good opinion of the Lieutenant-governor, becoming studious and steady, and ultimately proving, as many of them might, an honour to their profession. He took up the subject warmly, because in that establishment he had commenced his career, and had there formed friendships of the most binding nature. He had made these remarks in no spirit of hostility to the gallant Officer opposite; but, in the name of the friends and parents of the young men, who had already, he thought, suffered punishment adequate to the offences of which they had been guilty.

Sir *Hussey Vivian* was not surprised at the anxiety evinced by the hon. and gallant Officer opposite on behalf of the institution to which he had alluded. That House, perhaps, was not the proper arena in which the discipline of the academy should be discussed; but at the same time he was obliged to his hon. and gallant Friend for having brought forward the subject, inasmuch as it afforded an opportunity for contradicting the many unfounded, or as they might almost be called libellous statements that had gone forth to the public. With respect to the occurrences that had taken place, the facts were simply these. For a number of years there had existed at the academy a system equivalent to what was called "fagging" at public schools, and it had been reported to him, that under that system some of the younger boys had been much oppressed. Last year, when he was engaged in the north of England in the performance of his duties, he received information that one of the youths of the academy had been much ill-treated; and the following day a second report reached him that two of the boys had deserted and gone to France. Being unable to be present in person on the spot, he appointed a committee, consisting of five most distinguished officers of the corps, and directed that the whole matter should be thoroughly investigated. He held in his hand an abstract from that report; but, before he read it, he might observe that Lord Blomfield—a man distinguished alike for his integrity and his humanity—presided over that inquiry. He would not, of course, read the names of those who had been expelled; but he would simply state what were the crimes for which the committee had felt themselves compelled to recommend their removal from the academy. No. 1 was for striking another cadet, for leaving the hospital without orders, and for general insubordination. Nos. 2 and 3 for desertion. No. 4 for abuse of his authority as a corporal. This had been one of the best conducted youths in the establishment, and he was shortly afterwards restored. No. 5 for ill-treating another cadet. Nos. 6 and 7 for insulting other cadets, and being engaged in the mock duel that had been alluded to. He would not go into the circumstances attending that duel; but he could assure his hon. and gallant Friend that the committee had no alternative than that of acting as they did. No. 8 was for being concerned in the said mock duel. Nos. 9, 10, and 11, for ill treating other cadets; and No. 12 for repeated insubordination. Out of those twelve one had been restored. Then there were two or three others for various acts of insubordination, and there was another for intoxication during hours of study. Such were the crimes for which these youths had been discharged. He believed that, upon the whole, nothing had occurred which had not frequently taken place in other public establishments. There had been an instance before in which thirteen cadets were dismissed. These things often happened at our colleges and universities, and at public institutions of the same kind abroad, and they were likely to happen where youths were congregated together. He hoped that all who knew him would do him the justice to believe that it gave him the greatest pain to be obliged to have recourse to such a measure. Much in these unpleasant transactions had arisen from a determination on the part of the elder students to resist his wish of putting down the ill treatment experienced by the younger students from the system of fagging; and his hon. Friend would perceive that the dismissal of the greater part was occasioned by such ill treatment. As to the period at which the youths were admitted the fact was this:—On looking back to the reports of the academy, he found that whilst they were admitted at the age of fourteen, nearly one-half of them never passed up to their commission. At that early age sufficient time had not been afforded to them to acquire those rudiments of education which were essential to their subsequent success in the military college. This being found to be very generally the case, one of the members of the committee, Sir Alexander Dickson, an officer, the soundness of whose judgment he was sure no Gentleman in that House would question, recommended that the qualification for admission to the academy should be higher, and that the age of the youths upon their admission should not be less than fifteen years. This arrangement had been attended with the most complete success; for the heads of the college, instead of being called upon to discharge a considerable number of youths upon their probationary examination, during the last two years had scarcely been called upon to discharge one. The gallant Member had referred to the statements—the calumnious, the libellous, the utterly false and unfounded statements—that had been made in some of the newspapers with respect to himself, and to the manner in which he had distributed the patronage of the Military College. He had been charged with prostituting the patronage of the academy to personal and political purposes, because he had admitted one youth named O'Connell, and another named Maude. It was said, that he appointed the one at the dictation of the hon. and learned Member for Dublin, and the other at the dictation of two Tory uncles. Now, what was the fact? With respect to the youth named Maude, he was one of the young gentlemen whom he had just now stated he had felt it his duty to remove from the academy. He did so with very great regret, for the youth was a remarkably fine young man, and possessed many qualifications which seemed to fit him admirably for the profession in which he had embarked. His offence was that of having deliberately struck a younger comrade in such a way as to render it necessary that he should be sent to the hospital. When the circumstances under which this offence was committed were made known to him, he immediately ordered that Maud should be removed from the academy. Great interest was made to procure his restoration. Applications poured in from many quarters, which it was most painful to refuse, but he steadily resisted them all. He refused the application not only of the youth's Whig uncle, but of his Tory uncle, Lord Hawarden, an old and cherished friend of his. He refused an application from the highest authority in the Government. He refused other applications that were made from other parties. He would not consent to restore the youth until after the vacation, when a petition to this effect was presented to him from the cadets of the academy:—The hon. and gallant Officer read the petition, in which the young gentlemen stated that they humbly submitted to the decision that the Master-general had made upon the report laid before him by the court of inquiry, and pledged themselves collectively and individually to use their utmost endeavours to put an end to the system of severity towards the junior members of the establishment, which had been so strongly marked by the Master-general's disapprobation. They then went on to express a hope that it would not be deemed unbecoming in them if, considering the previous general good conduct of Corporal Maude, the rapidity with which he had advanced in his studies, and the utter ruin to his prospects that would otherwise befal—they begged the Master-general kindly to mitigate his punishment, and restore him to the station he had previously held amongst them. This was signed by every cadet in the academy. He immediately went down to Woolwich and assembled the whole of them, and told them that although in a military point of view, they had acted improperly in addressing him upon such a subject, he would look over that point—would accept the pledge they had offered him—and would restore the youth in whose favour they had so strongly interested themselves. Thus had he yielded to the compassion of the young man's comrades all that he had refused to the entreaties of his own personal and political friends. So much, then, for the motives that had governed him in that instance. The youth named O'Connell was the son of a very distinguished general officer, who, he believed, was a relative of the hon. and learned Member for Dublin. But he did not know whether the hon. and learned Member for Dublin was aware that the youth, the son of his relative, was a cadet in the Woolwich academy. General O'Connell was now commanding in Australia, and it was at the earnest request of the father that he had placed this youth in the academy. Unfortunately he was found wanting at his probationary examination, and in consequence dismissed. He held in his hand a letter which he had subsequently received from the youth explaining the cause of his failure and asking to be permitted to make another trial. It was to this effect:—

"I trust you will not be offended at my addressing you by letter on this occasion; when you consider the utter ruin to my prospects in life which must ensue from my discharge, and the pain that will be inflicted on my father and family, who are now all in New South Wales. I trust you will not be offended at the son of an old and distinguished soldier throwing himself thus on your kindness, good nature, and mercy."

After the receipt of this letter, he (Sir H. Vivian) inquired into the case, and found that the young man's failure had in a great degree been owing to the want of a proper education previous to his being admitted to the academy. He therefore consented to restore him; and in so doing he did not know how he could have exposed himself to the charges that had been brought against him. Having thus explained the state of the academy, and the circumstances that had recently transpired there, he should now feel it necessary to trouble the House with a very few observations in reference to other charges that had been made against him, in some of the public newspapers, and which had been quoted by the hon. and gallant Gentleman by whom this subject was introduced. The first to which he begged to refer was to the purport,

"The primary cause of the mischief at the academy is, that that establishment has been made an arena for political jobs." Again, "The children of political partisans have been admitted at the expense of the children of old and meritorious officers." "We should like to know how many of the children of families resident in the counties of Devonshire and Cornwall, particularly, have been admitted within the last three years, and what their conduct has been since they have been there. We are assured that a great proportion of the excesses that have taken place have been committed by the sons of civilians, who have received appointments for no other reason in the world than that their parents were amongst the supporters of the Government, and of the Master General of the Ordnance in particular."

Now, with respect to political objects and to the admission of the children of political friends into the academy, he had not the slightest hesitation in saying, that whenever any of his Friends around had applied to him to admit a son into the college, and he had had the means of complying with their request, he had always felt the greatest pleasure in doing so, and he would do so again; but at the same time he must observe, that whenever any of the hon. Gentlemen opposite had made a similar application, and the means were in his power, he had always done the same thing. He had always held that admission into the military schools should on no account depend on politics; and if such a rule were ever to obtain, he should hold it to be a very great misfortune to the country. Although the parents might differ in that and in the other House of Parliament he saw no reason why the children should not go forth together to fight the battles of their country. Therefore if, whilst he had held the office of Master-General, it had been his fortune to appoint a Shaw, a Jocelyn, and an O'Connell, he should be happy to find the children of those politically hostile families going forth together to man the same battery, to stand in the same breach, to gather glory in the same field; and he should feel that in appointing them he had done that which might effect much good for his country, and certainly, according to his notions, would do no harm to his party. He must now beg to say a word or two in reference to the allegation of his having used the patronage of the academy for personal purposes. It was asked how many youths from Cornwall had been appointed within the last few years? In reply to the question, he could state that since he had been at the head of the Ordnance, not more than five youths had been admitted who could be said to have had any connection whatever with Cornwall. Of these the first was admitted upon the application of a very distinguished officer who had been severely wounded in the service, who was living at Falmouth, but with whom he had no personal acquaintance. On receiving his letter, he sent it to Lord F. Somerset to inquire whether the statements of service which it contained were correct. The reply was in the affirmative, and the youth was in consequence appointed. The second youth was also the son of a distinguished officer. The third was certainly the son of a particular friend of his, once a Member of that House; but since long resident abroad, and one who certainly had never voted for him. The fourth was the son of a clergyman living in a parish where he (Sir H. Vivian) had property; but who was decidedly opposed to him in politics, and who, at the election, had plumped against him. The fifth was the son of a gentleman living in the western division of the county. So much, then, for the prodigal manner in which he had granted admissions to the academy to his Cornish friends. [The right hon. and gallant officer was proceeding with some further explanations, but was deterred by a general expression of feelings on both sides of the House, indicating that it was wholly unnecessary]. He would proceed, then, to another point. With respect to the children of old officers, the regular rule, or rather the general custom, had been to admit them into the different military seminaries in the proportion of about one-half of the whole number admitted. To cover the expenses of the academies, which were considerable, it was found necessary to admit the sons of civilians, who paid in a much higher proportion than the sons of old officers. Of the 141 young men that had been admitted within the last three years, 78 were the sons of old officers, being, he believed, a much greater proportion in favour of the latter than had ever occurred at any former period. He trusted that this simple statement would exonerate him from the charge that had been brought against him of having used his patronage for personal motives. Another charge had been made in the same paper, to which he wished to advert. (The hon. and gallant Member read another extract from a newspaper, which stated that the Master-General was actuated by the vilest party spirit; and, as an instance of it, related that he had taken out of the hands of a Colonel-Commandant, who was opposed to him, the disposal of a subordinate office.) When he had first read that passage he could not imagine to what it referred; and accordingly he wrote to Lord Bloomfield on the subject. The answer which he received from Lord Bloomfield was to the effect that he had looked into the correspondence between them, and it did not appear that Sir Hussey Vivian had in any manner interfered with the privileges of commanding officers. He, however, made further inquiry, and found that the paragraph referred to a case in which the Colonel Commandant had wished to promote a young man over the head of one of the most distinguished old soldiers. That case had been represented to him by Sir A. Dickson, to whom he wrote a letter in reply, in which he stated that though Colonels Commandant had never found any unnecessary interference on his part, as he had never permitted such a system to be practised in the disposal of the superior offices, he should not allow it with regard to subordinate offices. He was sorry that he had trespassed on the House so long upon a matter personal to himself, but as it was of some consequence to this establishment and to himself also, he hoped the House would pardon him for it, and would think that he had exonerated himself from the vile and abominable charges which had been made. In conclusion the right hon. and gallant officer said that with respect to the re-admission of any of the youths who had been dismissed, nothing would give him greater pleasure if he could do so consistently with the rules of the establishment. He had paid great attention to the subject, and had referred the matter to the consideration of the committee. His present impression was, that he could not restore any of them; but he still kept his eye upon them, and very much of what might ultimately happen must depend upon the conduct of the youths now in the academy. If, however, he should be induced to restore any of them, it could only be those who had been conspicuous for uniform good conduct prior to the occurrence of these unfortunate circumstances.

Mr. *Hume* wished to know how many of the hundred youths, who were under eighteen years of age, had obtained commissions during the two last years?

Sir *H. Vivian* said, he had not the return by him at present, but he thought about twenty-five or thirty in the present year. There were 128 then at the academy, and also a great number of second lieutenants.

Mr. *Goulburn* had no connexion with the army, therefore if he said anything on the subject it would not be to enter into military details. He could not, however, avoid thinking that there must have been something seriously wrong in the management of this institution, which rendered it necessary to resort to so severe a measure as the dismissal of no less than twenty-five youths of sixteen years of age. He felt sure that the gallant Officer had acted only under a sense of duty—that much of the necessity of such a measure must depend upon the age of the parties implicated in these transactions. If they were of an age at which they might be easily led astray, he could not help thinking that expulsion, carrying with it, as it did, such serious consequences, was more than the necessity of the case required. If, on the other hand, they were of an age capable of appreciating the consequences of their conduct, then, however painful it might be, he could not deny the punishment was unnecessarily severe; but what he wished to urge upon the right hon. and gallant Officer was, that constant watchfulness over the institution would prevent those evils getting to that height, that to prevent them it was necessary to resort to such severe measures of punishment. He could not but think if care were taken, and the progress of these young men watched, and they received moderate punishment for the first offence, the necessity would be avoided of recurring to extreme punishment, which not only affected them immediately, but all their prospects in life.

Sir *H. Vivian* said, thirteen youths were expelled a great number of years ago, when a most distinguished officer was at the head of the Ordnance. The youths now removed were of the Senior Class, and for the oppression of the Juniors; and it was a curious fact, that during the time the committee was sitting, a great degree of oppression was going on, and there seemed a sort of determination among the youths to continue it, and that four who were excluded had committed the offence while the committee was sitting.

Sir *H. Hardinge*, as an officer, felt bound to state his acquiescence in the measure resorted to in the case of these young men. Most of them were fifteen, sixteen, or seventeen years of age, and persisted in their misconduct, and he did not see anything his hon. Friend could propose, but place the circumstances before a committee, and take their report into consideration; and he must say, if he were in the situation of his right hon. Friend, he should think nothing would be more embarrassing hereafter, and fatal to the discipline of the college, than to attend to applications for the restoration of these youths, unless under special circumstances. No doubt the college was composed of ardent spirits—of young men who required a severe discipline; and when they knew their misconduct would be visited with severe discipline, it was to be hoped they would reflect upon the consequences that would attend it. He must confess, at the same time, the explanation of his right hon. Friend gave him great pain; considering the character of his right hon. Friend, and the long time he had served in the military service, he had heard him with great pain condescend in that House to enter into details to defend himself from anonymous attacks of the newspapers. Why, if public men thought themselves compelled to come to the House and give explanations on every attack that was made on them in newspapers and anonymous publications, not only would the time of the House be wasted, but, in his opinion, men of high station would be materially lowered. He did not know what papers they were to which his hon. Friend referred, for he had never heard of or read one of them. He should not oppose going into committee, but was sorry that his right hon. Friend had made these explanations, which, in his opinion, his high character rendered quite unnecessary.

Colonel *Anson* said, that the right hon. Master-general of the Ordnance having been attacked in the manner in which he had been, had no alternative but to adopt the course which he had adopted in defending himself. The right hon. Gentleman opposite had stated, that, in his opinion, there must have been great relaxation of the discipline of the Academy to render these punishments necessary. Now, he would put it to the right hon. Gentleman, whether it might not be barely possible that such relaxation of discipline may have taken place before his right hon. and gallant Friend had come into office.

Sir *Robert Inglis* said, that the hon. and gallant Officer had made no attack whatever upon the right hon. and gallant

Gentleman opposite. He complained that the House should have entered into the consideration of this subject at all. He complained not of what the right hon. and gallant Gentleman had done out of the House, but of what he had done in the House in making these explanations. He could never approve of making that House a board of review for the proceedings of the Royal Military Academy. He knew that some hon. Gentleman might say, that because the Academy was supported at the expense of the State, that therefore the House had a right not only to inquire into the general management of it, but to institute an inquiry into any petty detail connected with each individual student. Unless such was the conclusion come to, he trusted that never again would one whole hour of the time of that House be occupied in such a discussion.

Mr. *Warburton* thought his right hon. Friend, the Master-general of the Ordnance had acted perfectly right. He had in fact, no option. There was nothing uncourteous in the observations of the hon. and gallant Gentleman opposite, but he had read certain statements from newspapers reflecting on his right hon. and gallant Friend, and had asked for explanation. It was a price that all men who attained to eminent rank or high station must pay for their eminence to have their conduct canvassed, and when it was so canvassed they were perfectly right in offering any explanation they might think fit; there was nothing humiliating in such conduct. The hon. and gallant Gentleman opposite had considered that there was something in the conduct of the Military Academy which required explanation—he was perfectly right in requesting that explanation. He had very properly asked a question, to which he had received a most satisfactory answer.

Sir *De Lacy Evans* entirely concurred with his hon. Friend who had just sat down. He had listened to the reply of his right hon. and gallant Friend with the greatest satisfaction, and although the hon. and gallant Gentleman opposite had not made any charges against his right hon. and gallant Friend in bringing this question forward, yet that hon. and gallant Gentleman had alluded to certain charges which had been made in the newspapers, therefore his right hon. and gallant Friend was perfectly right in replying to these charges. He entirely concurred with the right hon. and gallant Member for Launceston in the conviction that the high character of the Master-general of the Ordnance placed him entirely above imputation, but still that very high character made him the more anxious to give explanation, and feel the more acutely any imputation that might be attempted to be cast upon him. The knowledge of the possession of that high character made him the more anxious to sustain it.—He concurred in the observations which had been made on the subject of the College, and regretted that it had been introduced at all, as he was sure that the present discussion would not tend to the preservation of the good discipline of the College. Among those young men who were intended for the military service, it might be expected, i anywhere, that youth would be found of strong feelings and active energetic minds, who would with difficulty submit themselves to command. He had, a short time ago, seen an account of the expulsion of several students from Eton College—that was not a military college, and, from what he had heard on the subject, he was not disposed to find fault with the conduct of the head of that establishment on that occasion, but he thought the House would admit that if it was necessary to maintain strict discipline in any college, it was more particularly so in a military one. If a strict discipline were not maintained among the youths when at college, the consequences to themselves, when they entered their military career, would be still more ruinous, as they would be subjected for breaches of discipline to a still more severe punishment, and which would affect their future prospects still more severely, as coming upon them at a later period of their life, when it would be almost impossible for them so to change their habits as to fit them for entering any other career.

Captain *Boldero* had not made any attack upon the right hon. and gallant Gentleman opposite, or brought any charge against him; he had merely asked for an explanation, and he thought he was perfectly justified in so doing—he was glad to find, from what he had said, that the academy was now in a better state of discipline, and he hoped that the discipline would continue to be such as would enable the right hon. and gallant Gentleman, consistently with his duty, to consent to the restoration of at least some of these young men.—Subject dropped.

TREATMENT OF PACKET PASSENGERS.] Sir *Thomas Cochrane*, before the House went into Committeee of Supply, wished to draw the attention of the House to the complaints which were constantly made of conduct pursued by officers in Her Majesty's service towards persons who might happen to be passengers on board their packets. These complaints more particularly alluded to the Mediterranean steam-packets — and one of the persons aggrieved, a lady, had at length come forward, and affixed her name to a statement of the grievances which she had suffered during a passage on board one of these packets. He hoped that these statements had been made under some misapprehension or mistake, as they involved the characters of several officers. The system, in his opinion, ought to be altered, as it made officers in the navy and army liable to be constantly called to a public account for their conduct, or submit to be accused of conduct which would be derogatory to persons of the lowest description. He, therefore, thought the Admiralty should devise some other means of conducting this branch of the public service —such, perhaps, as by appointing a superintendent to each packet, so as to relieve officers from their liability, and at the same time he would be a person to whom passengers might apply for protection; as the Admiralty participated in the profits, they were bound to afford adequate protection.

Mr. *More O'Ferrall* had heard of no complaints from any passengers on board her Majesty's vessels, over which the Admiralty possessed control, and would ask the hon. and gallant Officer upon what authority he made the statement.

Sir *Thomas Cochrane* had read the account in the *United Service Gazette* and the *Asiatic Journal.*

Sir *Thomas Troubridge* would suggest to his hon. Friend and Relative that he should for the future take care to make himself acquainted with the facts of any case which he might think it necessary to bring forward, as it was not absolutely necessary that the time of the House should be taken up in investigating every complaint from a lady which might happen to appear in the newspapers.

The House resolved itself into a Committee of

SUPPLY—ORDNANCE ESTIMATES.] Sir *Hussey Vivian* said, that before going into the Ordnance Estimates he was anxious to say a few words on what had just occurred. He felt highly flattered by what had been said by his right hon. Friend opposite, as a reason why he ought not to have replied to the charges which had been brought against him. Perhaps, as far as he himself was personally concerned, he ought not to have done so, but his right hon. and gallant Friend could not be aware of the mischief to the academy, which had been the consequence of the propagation of the atrocious reports to which he had alluded. He would now propose the Ordnance Estimates for the year, and in doing so it was not his intention to trespass at any length upon the attention of the House. The estimates of this year somewhat exceeded the estimates of last year, and in the debate on the Navy and Army Estimates, his hon. Friend, the Member for Kilkenny had said, that there seemed to be a sort of *esprit du corps* among the heads of departments, to see who could make their estimates the highest; he could, however, assure his hon. Friend, that in preparing the Ordnance Estimates the only spirit that had actuated him had been a spirit of economy as strict as was consistent with the efficiency of the department over which he presided, and which would always be with him a matter of the first consideration. The hon. Gentleman had frequently referred to the year 1792, for the purpose of contrasting the amount proposed at the present day with the estimates of that period—now he thought that if his hon. Friend would compare the estimates of the present year with those of the year 1792, he would not find much reason to complain. The total amount of expenditure for the Ordnance department in the year 1792 amounted to 422,000*l.*, from which a deduction was to be made of 21,000*l.* on account of superannuations, which were then paid by the Ordnance department, and which were not paid by that department at present. This would make the Ordnance Estimates for the year 1792 amount to 400,000*l.* The present year the expense of the Ordnance had been 1,812,000*l.*, from which, if they deducted the sum of 1,370,346*l*, on account of services performed by the Ordnance department, and with which it was not chargeable in 1792, they would find that in reality the expense of the Ordnance department, as compared with that year, amounted only to 442,000*l.*, and when the hon. Gentleman recollected the enormous extent of our colonial possessions he thought he would find that this estimate was not an extravagant one. In the first vote which he should propose for the Ordnance civil establishment it would be found that there was an increase of 23*l.* over the vote of last year—this arose from an increase in the amount of salaries paid in that department. In the second vote for the Ordnance and Engineering Department it would be found that, as compared with the vote of last year, there was a decrease of 722*l.* In the third vote for the royal artillery, horse artillery, master-general's department, there was an increase of 1,347*l.*—this was occasioned by an increase in the rate of pay in that department, and the additional number of artillerymen which had been employed. In the fourth vote for the barrack department, there was an increase of 3,326*l.* This was occasioned by the addition which had taken place in the number of barracks in the United Kingdom. In the fifth vote, under the head of extraordinaries, there was an increase of 67,000*l.* This increase was attributable to the increased expense of providing proper comfort and accommodation for the troops in Canada, by the erection of additional buildings, and also by an increased amount of barrack accommodation in the Colonies. There was also an increase of 10,000*l.* for the erection of barracks at Porto Bello; and in the next case there was an increase of 36,000*l.* from military and civil contingencies. The army extraordinaries used formerly to supply the augmenting department on foreign stations with articles which were now supplied by themselves. This had taken 40,000*l.* from the army extraordinaries. On the next vote there was an increase of 19,000*l.* under the head of stores, 5,000*l.* of this were for providing percussion arms, as had been alluded to last year; 9,000*l.* were for an increase in the Ordnance stores, and 4,000*l.* for an increase in the artillerymen. An increase had taken place in the Commissariat; they supplied different articles, such as boats, for the use of the department in the Colonies, and when two regiments of cavalry were last year conveyed from Ireland to England, it was at the expense of this department; and the consequent increase amounted to 13,000*l.* The total increase in the whole of the estimates of this year, as compared with those of last year, was 152,566*l.* The whole expense of this year for the Ordnance department was 1,971,042*l.* The credits for the present year were 86,000*l.*; last year they were 93,000*l.*; consequently, they were this year 7,240*l.* less; and the total amount of money proposed to be voted for the service of the Ordnance department during the present year was 1,885,042*l.*

Sir *H. Hardinge* wished to ask, if in the case of the barracks in the West Indies, there had been, on the part of the Ordnance department, anything like an accidental neglect in supplying the troops with proper accommodation? He did not for a moment impute intentional neglect, but he would ask his right hon. and gallant Friend, whether that accommodation could not be better afforded by some other department than the Ordnance. He had moved for papers on this subject, which, although laid on the table, had not been printed; and the noble Lord the Member for Northumberland had moved for other papers, which had not yet been produced. He hoped that when those papers were laid upon the table, some discussion on this subject would take place.

Sir *Hussey Vivian* regretted, that the papers had not yet been laid upon the table. He denied that there had been the slightest inattention on the part of the Ordnance to the state of the barracks, either in the Colonies or at home. His right hon. Friend knew well what were the regulations with regard to the barracks in the Colonies. In every colony there was an officer of the Engineers, whose attention was specially directed to the state of the barracks. It was his duty to make a special report on the subject. That report they got every year. The repairs and estimates were immediately considered, and what was necessary to be done was ordered; and he should not have the slightest difficulty in proving, when the subject came before the House, that no neglect was attributable to the Ordnance Department.

Mr. *Hume* thought it was rather irregular in the right hon. Gentleman, who held himself up as the pattern of order and regularity, to introduce this discussion now, instead of when the subject of barracks was under consideration. He could only express his deep regret to see so large an Estimate, but having voted the Navy and Army Estimates, they must supply the men with arms. It was useless to take any objection now, when new taxes were laid on, then would be the time to grumble. He believed the hon. and gallant Officer conducted his department as economically as any in the service, but he must protest against his allegation, that the present Estimates did not exceed those of 1792. In that year the number of artillerymen was 4,000; at the present time it was 8,800; and how it could be contended that there was no increase, was a paradox he could not pretend to understand. He was not the only person who took 1792 as the standard; three military committees which had sat, had all taken the same view. He meant no reflection in what he was about to say, but until the Ordnance Department was altogether new modelled, which he had hoped to see done before this, he could not expect the expenses to be lessened. He would not allow the estimates to pass without expressing his opinion that our engineers and the officers of the artillery were at present very ill-used. In England nothing was known to the Commander-in-chief of the officers of the artillery, except through intermediate agents, and that he thought derogated from their character, and was injurious to their interests, as there was no opportunity of properly appreciating their merits. He would, therefore, strongly recommend that the artillery should be always under the immediate command of the commander-in-chief, as he thought that change would be attended with the best effects. It was an anomalous circumstance, that when our artillery were sent to the Colonies, they were no longer under the instructions of the Ordnance, but under the authority of the commander-in-chief, and he thought it would be advisable that that rule should be applied in all cases. He also wished that the officers in question should have an opportunity of being employed on staffs, and of being raised to other lucrative situations. There was an item which he did not wish to let pass unnoticed. He alluded to the management of the stores, for which 38*s.* per cwt. was paid, and he thought that to be a very large sum. With regard to the barrack department, he should allow that the management of it had been very much improved, though he could not but say that the expenses of it were still very high.

Sir *H. Hardinge* thought the hon. Member had misunderstood his question to his right hon. Friend. He had mentioned that the barracks ought to be conducted by the Ordnance department, and not be under that of the War-office. And his question was with reference to the report of the commissioners recommending the taking away from the Ordnance department, that branch of its administration, and transferring it to the War-office. When he recollected what was the state of the barracks when under the War-office, he could not help stating that in his opinion the Ordnance department was the best to take charge of them, and that should they be transferred to the War-office, a great detriment to the public service would be the result. He should view with jealousy any attempt which should be made by the noble Lord the Member for Northumberland, to transfer the barracks back to the War-office.

Sir *De Lacy Evans* would also view any such experiment with great fear. The hon. Member for Kilkenny had spoken of the artillery of this country in comparison with the artillery of other countries. Every military man in Europe acknowledged the superiority of the English artillery. He certainly lamented the restricted opportunity offered to the officers of the artillery and engineers. When the officers of these corps rise to the rank of colonels, their efficient services cease. Should his hon. Friend the Member for Kilkenny think proper to propose something to relieve these officers from this disadvantage, he would be disposed to give him his support.

Mr. *W. Attwood* said, that as the discussion on the more prominent points of the estimates appeared to have closed, he wished to call the attention of the House to an item in the first vote, which, although it might not seem of great general importance, was one of much moment to the parties interested, and in its consequences not immaterial to the public service. He alluded to the disparity which was manifest on looking at the estimates between the sums charged for salaries for the gentlemen employed in the establishments at the Tower and Pall-mall and those paid to parties similarly occupied at Woolwich. The senior clerks at the former stations had 900*l.* per annum, the second class 300*l.* to 600*l.*, and the junior class 90*l.* to 300*l.*, while at Woolwich all the clerks employed, senior and junior, were on the scale of from 90*l.* to 300*l.* He wished to ask the reason of this disparity. He understood the duties at Woolwich to be as arduous and responsible, and the character of the persons employed and their abilities as good. It was necessary they should understand, not merely the ordinary routine of their office business, but should be thoroughly acquainted with the nature and various applications of the stores under their charge. It would seem, therefore, that if their salaries were sufficient, those paid in London were too high; or if the salaries in London were no more than adequate, those of the Woolwich establishment ought to be raised. He wished to ask the reason of the disparity?

Sir *H. Vivian* said, that the difference in the amounts of the salaries to which the hon. Gentleman had referred had existed for many years previous to his accession to the duties of the Master-general of the Ordnance, and arose from the superior duties which the one class had to perform in comparison with the other, and the greater responsibility which attached to their situations. Taking these circumstances into consideration, he could not but consider that the difference in these salaries was fully justifiable. With repect to what had fallen from the hon. Member for Kilkenny, he must recollect that they had fifteen more colonies now than they had in 1792, and that they had of course an additional number of artillery, guns, stores, and other things to send out to them for their protection. With regard to the transfer of the artillery and engineering department from the Ordnance Office to the Horse Guards and the War Office, that was a subject which, in the absence of the noble Lord the Member for Northumberland, he would not discuss. He should, however, whenever called upon by the noble Lord, be able to show to the House that such a proposition would, if acceded to, tend to destroy altogether one of the most efficient departments of the service, and lead to enormous expense.

Mr. *W. Attwood* said, that much dissatisfaction had been occasioned by the disparity which he had pointed out, and he was desirous to know whether the attention of the Master-general had been called to the subject. Although the right hon. and gallant Officer said, that the comparative nature of the duties to be performed justified the inequality, he could not but think it desirable that the subject should receive consideration, that some more satisfactory arrangement could be made.

Sir *H. Hardinge* observed that he had had formerly some experience as to the Ordnance Department, and he could not but rise to vindicate the distinction of salaries to which the hon. Member had referred. The heads of the different departments of the Ordnance were very dependent upon the chief clerks alluded to; and he must say, that he had never found any set of clerks more competent than those of the Ordnance Department, whom he considered to be rather under-paid than over-paid. He could assure the hon. Member that the salaries of the chief clerks at the Tower and in Pall-mall were fully justified by the duties they performed.

Sir *H. Vivian* said, that they were well deserving of the commendation bestowed upon them by his right hon. and gallant Friend.

Vote, viz., 116,874*l.* for salaries, &c., to the civil establishments at the Tower and Pall Mall, &c., agreed to.

On the question to vote 180,415*l.* to defray the expences of military and civil contingencies, ordnance surveys, &c.

Sir *J. Y. Buller* said, that he wished to have some information with respect to the dismissal of Mr. Foot, a solicitor to the Ordnance, at Devonport. That gentleman had been many years a solicitor to the Ordnance, and the general impression was, that he had been dismissed in consequence of the part he had taken at the last election for Devonport. He was dismissed after that election, and from that time to this no other grounds had been stated for his removal. He was therefore desirous of having some information from the right hon. and gallant Gentleman upon the subject.

Sir *H. Vivian* said, that the hon. Baronet knew as much about this gentleman's dismissal as he did himself. It was not a matter which the Ordnance department had anything to do with; and the first he had heard of it was from Mr. Dawson, whom he had seen the other day at her Majesty's Levee, who had expressed to him his hopes that Mr. Foot had not been dismissed for having given him his support at the election in question. The fact was, that a solicitor to the Ordnance had died, and a new one having been appointed, had, as was usual, the appointment of all the others at the out-stations. It was through these means, he believed, that Mr. Foot's dismissal had occurred; and the Ordnance Office knew no more about it than the right hon. Baronet himself. The first he had heard of it, was, he repeated, from Mr. Dawson himself, and he had stated to Mr. Foot, that he could not interfere in the matter. With respect to the interference of Mr. Foot in the election, he had understood that he had interfered in it; but whether that was the cause of his dismissal he could not tell.

Sir *H. Hardinge* said, he did not at all like this transaction—and could not see why a new solicitor to the Ordnance was to discard another because he chanced to be of a different opinion from himself. If there should be any change of Government presently—what would take place? Why, that if this was the rule on which this new solicitor chose to act with respect to the political opinions of others, the next Government might dismiss him on the same grounds, and by such occurrences, the public service would be put to inconvenience. This never was the system acted on by the Ordnance Department heretofore, and he very well recollected, that when he was some years ago attached to that office, there was a clerk there, a man of very good conduct and character in his situation, who seldom asked for leave of absence, except at the time when the election might take place at Rochester, where, being himself a Whig, he always voted for the Whig candidate, and no notice was ever taken of the circumstance. He did not think, then, that it ought to be tolerated that this gentleman who was newly appointed to the office of solicitor to the Ordnance should dismiss others from their appointments on the ground of a difference of political opinion—and he should have hoped, that the right hon. and gallant Gentleman, knowing Mr. Foot and his respectability and long services, would have taken the circumstance of so abrupt a dismissal into consideration.

Sir *H. Vivian* said, he had never hinted that Mr. Foot had been removed for electioneering reasons. The right hon. and gallant Gentleman had alluded to a clerk in the Ordnance, who, though voting against a Government candidate, was not interfered with; and he (Sir H. Vivian) could tell his right hon. and gallant Friend of the case of one of the Government clerks at Devonport, who, when he was a candidate for that borough, had voted against himself—and no notice was taken of the circumstance by the Government.

Sir *E. Knatchbull* said, that he agreed with his right hon. and gallant Friend, the Member for Launceston, that it was in the power of the right hon. and gallant Gentleman opposite, to see if the cause alleged for this gentleman's dismissal was the right one or not. This gentleman had served in the same situation for fifty years, and was a man of high character and respectability; and when Mr. Smith, the late solicitor to the Ordnance was appointed, he did not find it necessary to act as the present solicitor had done, and to remove Mr. Foot. The right hon. and gallant Gentleman had not been able to avoid saying, that that gentleman had interfered in the election against the Government candidate, and he could not but think it would have been more becoming in the right hon. Gentleman if he had looked into the case and ascertained the true cause of his dismissal.

Sir *H. Vivian* said, that Mr. Foot did not hold an official appointment. The appointment was one which rested entirely with Mr. Hicknett, as solicitor of the Ordnance, and that department had nothing whatever to do with it. All the Ordnance did was to say to Mr. Hicknett that he should do the business, and of course he was to get it done in the best way he could. Mr. Hicknett alone was responsible to the Ordnance, and with respect to the dismissal of Mr. Foot, all he could say was, that he was not aware of the ground on which it proceeded.

Colonel *Anson* could assure the House, that till he had seen the matter alluded to in the public papers, he had known nothing of the removal of Mr. Foot. What had been the motives which had induced the solicitor of the Board of Ordnance to transfer the business to another agent, he could not tell, but he could not agree in opinion with those who stated, that Mr. Foot had been dismissed from political considerations. The solicitor to the Board had, perhaps, his own friends, whom he wished to employ, but at all events, he could not believe that Mr. Foot had been removed because of his political opinions. He should be sorry should such have been the case, and he should regret much if such a principle were acted upon, as he thought persons holding official appointments ought to be perfectly free to express their political opinions.

Mr. *Hume* thought the question before the House one of very great importance. In his opinion, no person ought to be punished for an expression of political opinions, and he could not think it proper that any one holding official appointments under the Government should be dismissed from office for voting at an election according to his own views and sentiments. If such a pernicious principle were generally acted upon, the consequences would be most serious both to individuals and to the public service. He hoped they would never follow the example of the United States, where a clean sweep was made, whenever there was a change in the Government. It was the duty of the House to guard against such a proceeding ever taking place in this country, and he would offer a very simple remedy for their consideration. If the House would agree to adopt the system of vote by ballot, no person would be dismissed for political opinions, as the votes of individuals could not then be ascertained. When the question of vote by ballot next came before the House, he should claim the votes of hon. Gentlemen opposite, who complained of the dismissal of Mr. Foot.

Sir *T. Acland* said, the hon. Member for Kilkenny would certainly not have his vote in favour of the Ballot. He sincerely rejoiced, that the Board of Ordnance had had nothing to do with this transaction. He at once acquitted the right hon. Gentleman, the Master-general of the Ordnance, of having taken any part in the dismissal of Mr. Foot. The Ballot was not the proper remedy for evils of this nature, and he thought the best protection for official persons expressing their political opinions, was the public and general reprobation which Mr. Foot's dismissal had received. That Gentleman was upwards of 70 years of age, he was a person of the highest respectability, and had for the long period of 55 years, been honourably employed in the public service. Why then, had he been dismissed? Surely, there was good room for inquiry in such a case as this. He would read Mr. Foot's own statement to the House. That gentleman said:—

> "Most true it is, that I have had the honour of acting as law-agent to the Board of Ordnance, and their town solicitor at this place, for 55 years last past."

Now, it was contended that Mr. Foot's appointment was not made by the Government; but, surely, the solicitor to the Board of Ordnance, the inferior officer of the Board, ought to be responsible to the head of the department for turning out of office an old and faithful public servant. Surely, the Master-general had a right to call upon the solicitor, whom he did appoint, to explain the reasons which had induced him to dismiss Mr. Foot, against whom no charge had ever been brought. The House had a perfect right to call upon the right hon. Gentleman to institute an inquiry into the motives of the solicitor for the dismissal of this gentleman. Why, he would ask, was it that Mr. Foot immediately after he had been canvassed for the Government candidate, and after he had voted at the election for the Conservative candidate, had, without any intimation, been deprived of the law business of the Board of Ordnance? Had there been any complaint against Mr. Foot? Let them hear Mr. Foot's own statement on this point. He said:—

> "During that very long period (of 55 years) I have conducted a great variety of law business (I hope I may be excused for saying) so satisfactorily, that the Board never, on any, the most important occasion, deemed it necessary to send down their solicitor to direct or assist me."

He added further:—

> "After this statement, it may seem almost needless to add, as the fact is, that I never received the slightest indication or expression of the Board's or their solicitor's disapprobation of any one act done by me in my office; and that there never was any objection made to any one item in my professional bills of costs when presented for payment, though by the rules of the board, they were always very strictly examined."

What, then, was the cause of Mr. Foot's dismissal? Mr. Foot said;—

> "Thus circumstanced as I have been with the Board and their solicitor, for more than half a century, it remains only for me, most reluctantly, to confirm the current reports, and to state, that in consequence of myself and

son having given our votes at the last election for Devonport in favour of Mr. Dawson, and against the Government candidate, Mr. Tuffnell, the law business of the Ordnance and barrack department has been withdrawn from us and bestowed on another, without the slightest intimation to us on the subject."

Such was the statement of Mr. Foot, who was not a hot, violent man, for till the present time, he had never been, as he believed, canvassed at an election, or disturbed in the exercise of his political rights. He knew Mr. Foot well, as an old political supporter of his, and, he must say, that he should have been guilty of great ingratitude if he had not stated, that to his own knowledge, he was a gentleman of the highest respectability and honour. He acquitted the Master-general of the Ordnance of having taken any part in the dismissal of Mr. Foot; but he thought the right hon. Gentleman was bound, in duty to himself, to ascertain whether political motives had induced the solicitor to the Board of Ordnance to transfer the legal business of the department from that gentleman to another agent.

Sir *H. Vivian* had one word to say. He thought the hon. Gentleman opposite was mistaken in saying that Mr. Foot had been canvassed by Mr. Tuffnell. So far was Mr. Tuffnell from canvassing Mr. Foot, that he said nothing to him, that could be considered a canvass. There was a gentleman present when they met, who said, that there was a mistake in supposing that Mr. Foot had been canvassed. He would say again, that the appointment did not rest with him, and he questioned whether Mr. Foot had ever any communication with the Ordnance Department.

Viscount *Palmerston* thought that the discussion of that evening would give great satisfaction to the public. It was certainly satisfactory to hear the warm and indignant terms in which hon. Gentlemen opposite had expressed themselves at a supposed interference of a person appointed by the Board of Ordnance with the individual whom he might think proper to employ as his agent in consequence of a vote which that individual had given at an election. It had been fully established by the Master-General of the Ordnance that the Board of Ordnance knew nothing of Mr. Foot's appointment or dismissal. He was appointed by the solicitor of the board, who selected his agents on his own responsibility, and without consulting the Board of Ordnance. The appointment of Mr. Foot's successor was, therefore, the selection of one private individual by another, with which selection the Board of Ordnance had nothing whatever to do. The solicitor was the person who was responsible to the Board for the transaction of its legal business, and the Board had nothing to do with the agents whom the solicitor might appoint. This discussion, however, would not be without effect, and he had been much consoled by the warmth of the expressions of hon. Gentlemen opposite, because he was sure that when the reports of that night's proceedings went forth to the public, the public would perceive that there would be no more any improper interference with the exercise of the political franchise. They would no longer hear, after what had that night taken place, of tenants dismissed from their farms by their landlords in consequence of voting against their candidates; they would no more hear of persons ejected from their houses in towns, for the conscientious exercise of their political rights, and tradesmen might now sleep soundly, free from all apprehension of losing the custom of the rich, should they act on their own views in the election of Members of that House. He therefore hoped that all tenants in the country, that all householders in towns, and that all tradesmen, would read with attention the remarks which had that night fallen from hon. Gentlemen opposite. He was anxious to give protection to every one in the exercise of his political rights, and as he could not agree with the hon. Member for Kilkenny in supporting the ballot, he felt the greatest satisfaction at what had that night passed in the House.

Sir *T. Fremantle* said, the noble Lord had acted perhaps wisely for himself and the Government in endeavouring to distract the attention of hon. Members from the real question before the House. There was a great difference between the ejectment of tenants and the removal of persons employed in the public business from situations which they had long held, and with the duties of which they were fully conversant. There was no analogy betwixt the two cases. If the noble Lord had been present from the commencement of the debate, and if he had known that Mr. Foot had been for fifty-five years the agent at Devonport for the solicitor of the

Board of Ordnance, he would not have attempted to make the House believe that this was a private appointment, of which the Board of Ordnance knew nothing. For his part, he thought the House ought not to rest satisfied with the explanation which had been given of this transaction, and he must say that in his opinion some further inquiry ought to take place. The Master-general of the Ordnance had come down to the House prepared to combat several statements which had been made in the newspapers, and he would ask him why he had not also prepared himself to meet this charge, which had been so much canvassed, and while the conduct of the Ordnance had been generally condemned? The Master-general had said he could not tell why Mr. Foot had been removed, but he must tell the Master-general that he had neglected his duty to this highly respectable gentleman, in allowing him to be dismissed without making any inquiries into the cause of his dismissal. Mr. Foot had stated, that he had lost the business of the Ordnance in consequence of the vote which he had given, and he thought the House had a right to ascertain whether, and how far, this system was to be extended, and it would only have been justice to Mr. Foot, a faithful servant of the public, to inform him what the grounds were upon which he had been discharged. If it was upon political grounds, that would be a satisfaction to that gentleman, as he would then know that there was no charge against his conduct. It had been stated by his hon. Friend, the Member for South Devonshire, that the clerk of the Ordnance had canvassed Mr. Foot previous to the election, and solicited his vote in favour of the Government candidate. That was an important circumstance, because the Master-general of the Ordnance had said, that the Board of Ordnance knew nothing about Mr. Foot's appointment; yet they found that he was here brought into connexion with a clerk of the Ordnance before the election took place. He hoped, that on bringing up the report of the committee, the hon. Gentleman opposite would be able to state fully the history of this transaction, for no one could say that an explanation was not necessary.

Colonel *Anson* did not believe that Mr. Foot had been dismissed from political considerations. Broad assertions had been made by hon. Gentlemen opposite in reference to this matter; but he could only repeat, that the Board of Ordnance had had nothing whatever to do with the transfer of the business from Mr. Foot.

Sir *J. Y. Buller* had made no assertion which he was not prepared to support. He had written to a friend of his to inquire into the circumstances of the case, and the answer he had received fully bore out the statements contained in Mr. Foot's letter. As to Mr. Dundas, his Friend stated, that that gentleman had made minute inquiries as to the amount of Mr. Foot's emoluments, and, having ascertained what that amount was, that he had then canvassed him in favour of the Government candidate. He also understood, that the solicitor to the Board of Ordnance had appointed a conveyancer in the room of Mr. Foot, and that that gentleman had been obliged to call in a solicitor to his assistance, so that it was likely the country would have to pay for both.

Colonel *Anson* said, the fact was, they would have to pay for neither. They would only have to pay the solicitor appointed by the board.

Sir *H. Hardinge* observed, that it was most important that the solicitors engaged for the Ordnance department should be retained in the public service, the duties not appertaining to the ordinary business of a solicitor; and in no instance that he was aware of had a dismissal taken place except from professional incapacity. Now, this gentleman had served for fifty-five years in the Ordnance department, and therefore some urgent reason should have been given for his dismissal.

Mr. *Tuffnel* said, that he should like to offer a few observations upon this subject, in which it must be supposed that he was in some degree interested. Allusions had been made to the conduct of Captain Dundas in this matter, and it had been said that Captain Dundas had been his right-hand man at the election. Now he begged to deny that such was the case, for in reality Captain Dundas had been in Devonport only two or three days during the canvass, which canvass had lasted during two months. With regard to Mr. Foote, there was no doubt that he had been canvassed. He believed, that he had gone to Mr. Foote himself, as he had gone to every one else. He meant to say nothing at all against the conduct of that gentleman, for he believed, that he was fully entitled to the very high character which he had received from hon. Gentlemen opposite. He was sincerely rejoiced that this discussion had come, because it gave him an opportunity, by the explanation of a fact, to contradict many of those assertions which had been made. He had looked into the votes which had been given at his election, and had referred to those of the members or officers of all the public departments which had been given. Of these public officers 170 had voted in his favour, and 150 for his opponent; so that the suggestion of Government influence having been exerted in his favour was distinctly negatived. The majority which he had obtained was clearly that of the borough and not of Government officers.

Sir *E. Knatchbull* said, that the hon. Gentleman had stated his belief, that no Government influence had been exercised in the Devonport election, and to that belief he was entitled. But the noble Lord had entered upon a strain of glowing eloquence, such as the House did not often hear, and had certainly afforded good ground for the suspicion, that there was something rotten in the transaction. He wished to know why it was thought necessary to make this appointment at the precise moment of the election.

Sir *H. Vivian* repeated, that in the appointment of the local agents the Board of Ordnance had no right to interfere.

Sir *De L. Evans* said, that it had been repeatedly declared officially, that these gentlemen were not the officers of the Ordnance. The death of the previous solicitor was coeval with the election, and the appointment was free from suspicion.

Sir *J. Y. Buller* complained, that a person named Colman, the printer for the Ordnance at Devonport, who had also voted for Mr. Dawson, had been likewise dismissed. A man named Underwood, who had charge of one of the Ordnance hoys, and who had voted for Mr. Dawson, had been removed to Woolwich and separated from his family.

Sir *H. Vivian* stated, that Underwood's removal to Woolwich was not in the slightest degree connected with politics, and that of the case of Colman he knew nothing.

Vote, with several other votes, agreed to.

House resumed.

HOUSE OF LORDS,

Monday, March 23, 1840.

MINUTES.] Bills. The Royal Assent was given by Commission to the Horse Racing, and a number of Private Bills.—Read a first time:—Printed Papers; Mutiny; Marine Mutiny; Tithe Commutation Acts Amendment.

Petitions presented. By Lord Ellenborough, from the Glasgow Chamber of Commerce, for Equalising the Duties on East and West India Produce.—By the Marquess of Lansdowne, Viscount Melbourne, and the Earl of Minto, from Staley Bridge, Chester, and Berwick, for the Total and Immediate Repeal of the Corn-laws, and by the Duke of Buckingham, from several places, against the same; and from Newport Pagnell, against the Opium Trade.—By the Marquesses of Bute, Londonderry, and Lansdowne, the Earl of Aberdeen, and Lords Strafford, and Wharncliffe, from a number of places, in favour of the Principle of Non-Intrusion.—By Lord Castlereagh, and Captain Gordon, from several places, in favour of Non-Intrusion.—By the Attorney-general, from Attorneys of London, in favour of the Privileges of the House.—By Mr. Brotherton, from Dunfermline, against the War with China.—By Sir R. Inglis, from the Leeds Operative Conservative Association, against the Rights of the House of Commons to Commit the Sheriffs, etc.; from Dublin, against the Irish Municipal Bill; from Christchurch, Oxford, against the Ecclesiastical Duties and Revenues Bill.

MUNICIPAL CORPORATIONS (IRELAND)—PUBLIC BUSINESS.] The Duke of *Wellington* got up for the purpose of requesting the noble Viscount on the other side of the House to postpone the second reading of the Municipal Corporations (Ireland) Bill, which stood for next Monday. His noble and learned Friend (Lord Lyndhurst) had taken, on former occasions, an active part in reference to that measure. It now unfortunately happened that his noble and learned Friend was exceedingly unwell, and most probably would be unable for some days to attend to business. He submitted, then, that in the absence of his noble and learned Friend, it would be most desirable to put off the measure until the House could have the advantage of his assistance in its discussion.

Viscount *Melbourne* replied, that it would be impossible not to accede to the request just made by the noble Duke; but, if he recollected rightly, the noble and learned Lord was not opposed to the principle of the measure, and they might, therefore, expect, that whatever discussion did take place upon the bill would occur in the committee; the committal of the bill might therefore be postponed; but that could hardly be said to form any reason against their proceeding with the second reading. There was another bill, however, which, if passed at all, ought to be proceeded with immediately. He alluded to a bill, printed papers bill, which had just come up from the Commons. He hoped that the noble Duke would not press the delay of that measure.

The Duke of *Wellington* begged to assure the noble Viscount that no one could be more anxious than he was to see the question relating to the Irish corporations satisfactorily settled; but he could hardly think that any arrangement made, or any measure adopted in the absence of his noble and learned Friend, could prove satisfactory to the public. With respect to the other measure, he begged noble Lords to observe, that nearly all the learned Members of the House were at present either ill or out of town; they could only reckon upon the assistance of those who were then in the House—namely, the noble and learned Lord upon the Woolsack, and his noble and learned Friend near him (Lord Wynford.) The noble and learned Chief Justice of the Court of Queen's Bench, and his noble and learned Friend, the Chief Baron of the Court of Exchequer, were both out of town engaged on public business, and both would, of course, be anxious to take a part in any discussions in that House upon such a measure. Besides these, another and learned Lord (Brougham), was likewise absent from London. Upon such a bill as that to which the noble Viscount had just alluded, he should, of course, be desirous of having the opinion of those noble and learned persons, and, if possible, their concurrence. The noble Viscount surely could not wish to pass such a measure by surprise; it could not answer the views of the Government, or of any party in the state, to press such a measure hastily through the House, and he hoped, therefore, it might be put off. With respect to the second reading of the Municipal Corporations (Ireland) Bill, he must repeat his recommendation that it be postponed. It was a most important measure, and the second reading was a most important stage of that, as of every bill. He did not intend to oppose the second reading, but other noble Lords were opposed to the measure altogether, and they ought to be allowed an opportunity of delivering their sentiments and recording their votes; it was only fair to give them an opportunity of being present. The Session was not drawing to a close, else he would by no means recommend any postponement, but, on the contrary, would say go on with the bills forthwith; but now he confessed that he saw no reason for haste.

Viscount *Melbourne* certainly understood that the noble and learned Lord now absent in consequence of illness had no objection to the principle of the bill, having twice acceded to that principle. Any objections which he did entertain were merely to matters of detail, which could not be gone into on the second reading, but left for the committee, and he did not object to postpone the committal of the bill; all he desired was that this bill, already three weeks before them, might be read a second time on Monday next. The reason of the House being hurried, as generally happened towards the close of a Session, was, that they were too much in the habit of delaying business in the earlier part of the year, and for that, as well as for the other reasons which he had stated, he did hope that their Lordships would proceed on Monday next with the second reading of the bill.

The Duke of *Wellington* said, that whenever he delayed business he gave a reason for doing so; he did not delay business by neglecting it—he did not delay business, and then call upon those under him to help him out of the difficulties which that delay occasioned—he never asked that business should be delayed on his account, but he must say, that he thought the illness of his noble and learned Friend was a sufficient reason for postponing the second reading of the bill referred to, and that the absence of several noble Lords now attending to their public duties was a sufficient reason for the postponement of both bills.

The Marquess of *Londonderry* observed, that other noble Lords, as well as those to whom reference had been made, were naturally anxious to take a part in any discussions which might arise upon the subject of municipal corporations in Ireland. There was one noble Friend of his in particular who had taken a leading part in the recent inquiry into the Government of Ireland (the Earl of Roden), who had not yet arrived from Ireland, but who was known to entertain very strong opinions against the bill. There were many other noble Lords connected with that part of the United Kingdom, who also ought to be afforded an opportunity of expressing their sentiments upon that important measure, which they regarded as a plan for giving increased power to the party who was considered to dictate all the measures and proceedings of her Majesty's Government. For these reasons he did hope that the noble Viscount would not seek to carry the principle of the measure till after Easter.

Viscount *Melbourne*, at the request of the noble Duke, had already postponed the bill for a considerable time. As to the absence of the noble Lords, upon which so much stress has been laid, he must be permitted to say, that however anxious he might be for the presence and assistance of those who were accustomed to take so prominent a part in their proceedings, he still thought that if business were to be put off on account of their absence, the House could not get on with any business at all. He wished to know whether the noble Duke would agree to letting the second reading be fixed for Monday, with the understanding, that if the noble and learned Lord were not well enough to attend in his place, that a further postponement should take place. When Monday came they would probably know better how soon the noble and learned Lord would be likely to be present.

The Duke of *Wellington* said there was no use in agreeing to put off the second reading of the bill with any understanding; the noble Viscount might bring forward the bill and move its second reading on any day that to him might appear the most convenient. If he did propose the second reading in the absence of the noble Lords who might be expected to take a part in the discussion, he (the Duke of Wellington) would adopt such a course as the occasion might seem to him to require; he should then act as he thought proper. He had told the noble Viscount the inconvenience of thus pressing forward the measure; he had further to call his attention to the circumstance that at this period of the session noble Lords did not expect business of importance to come on in that House, and that many were still remaining in Ireland, and others were abroad. Why should they be brought from their homes sooner than was necessary. The circumstances stated were generally considered to be a sufficient ground for the postponement of public business. The noble Viscount had been informed of the illness of his noble and learned Friend, he might call the physicians attending him if he thought proper. If the noble Viscount himself happened to be ill, that circumstance would be considered a sufficient postponement of any measure.

Viscount *Melbourne*.—Then let it stand for Friday, as the noble Duke appears to think that the noble and learned Lord may be sufficiently recovered by that day.

The Duke of *Wellington*.—If the noble Viscount chooses to quote my words, I beg he may quote exactly. I wished the second reading put off till the end of next week.

Viscount *Melbourne*.—Friday se'nnight is the end of next week. Let the second reading be fixed for that day.

The Marquess of *Londonderry* then gave notice that, if on that day the noble Viscount proceeded with the bill, he should move an adjournment.

The Marquess of *Lansdowne* conceived that the proposed delay was unusual, and he thought it the more extraordinary, as the bill had already been delayed at the request of the noble Duke opposite.—[The Duke of *Wellington*—No.] The bill had been brought up from the Commons in the early part of the present month. A delay of three weeks had, therefore, arisen, and he thought it was quite as much as could be expected from his noble Friend to delay the measure till Friday week. He could not sit down without protesting against the doctrine that no important business was ever to be transacted before Easter. The Government could not help the absence of noble Lords.

The Earl of *Haddington* observed, that the noble Duke had not said that the noble and learned Lord would be able to attend on Friday in his place, but had said that he feared he would not be able to attend to business at all till the end of next week. Even the supposing him favourable to the second reading, the noble and learned Lord might be called to account in that House for having supported the principle of the measure, and it would be only fair to give him an opportunity of explaining and defending his own conduct. The noble Duke had never said that business of importance ought not to be done before Easter; the noble Duke would be the last to recognise anything of the sort; but this every one must see, that Parliament had now been assembled two months, and not one measure of importance had been proposed in that House. Her Majesty's Government had left off using that House as a branch of the Legislature in which to originate measures, and therefore so little business was gone through in the early part of the session.

Second reading appointed for April 6th.

CORN LAWS.] Viscount *Melbourne* presented a petition from Stayley-bridge, praying for a total repeal of the corn laws.

Lord *Ashburton* wished to call the attention of the noble Viscount to the degree in which the corn question had been made the instrument of agitation. He need hardly dwell upon the importance of such a subject to the agricultural interest. There were many persons belonging to, and connected with, the agricultural classes of this country, who abstained from addressing petitions to Parliament, relying with confidence upon the declarations made in the last session by the noble Viscount at the head of her Majesty's Government. He (Lord Ashburton) now wished to know from the noble Viscount, whether he remained of the same opinion which he expressed last year upon this momentous subject.

Viscount *Melbourne* replied, that he continued of the same opinion. He was against the total repeal of the corn laws, at the same time that he reserved to himself the power of agreeing to any modification of them which might meet his views of the real interests of the country. He repeated, that he remained of the same opinion which he had formerly expressed, and that the responsible advisers of the Crown would not, as a Government, propose any change.

TEMPERANCE (IRELAND.)] The Duke of *Buckingham,* seeing the noble Marquess in his place, he would take the liberty to ask him a question relative to a matter which had been communicated to him by a gentleman resident in the county of Carlow, with whom he was well acquainted, and who was a person of the highest respectability. That gentleman had stated to him, that on a certain day a number of persons amounting to upwards of 1,200, headed by two Roman Catholic priests, and carrying two banners inscribed with the word "temperance," and having medals suspended round their necks, paraded the town of Carlow, and that they were permitted to do so under the special sanction of the Lord-lieutenant of Ireland. It was also stated that Mr. Tuckey, a magistrate, had memorialized the Lord-lieutenant to grant that permission. The noble Duke produced a handbill, which he showed to the Marquess of Normanby, and asked if the noble Marquess was aware of these facts?

The Marquess of *Normanby* replied, that he was not aware of any memorial of the kind, nor had he heard of any of the proceedings.

EXCHEQUER RECORDS.] Lord *Redesdale* said, that on examining the papers which had been laid on the table of their Lordships' House, relating to the destruction of the Exchequer records, he found that those which related to the actual destruction of the papers commenced on the 17th of March, 1838, and ended on the 18th of December in the same year. Now, their Lordships would remember, that a bill had been passed by which all the records of the country were placed under the control of the Master of the Rolls. Therefore the Exchequer had no authority to act as it had acted. He should be glad if the noble Lord opposite would give some further explanation of this matter.

Lord *Monteagle* said, he was very sorry that the question should be put to him in the absence of his noble Friend, because, if he were present, he would be able to set him right, if the reply he was about to give was at all founded in any misapprehension. He believed the noble Lord had not attentively considered the act of Parliament, or he would have found, that though it was perfectly true that certain records were to be placed under the control of the Master of the Rolls, an office at present filled by a noble Lord whose manner of discharging its duties entitled him to the gratitude of the House, yet those documents were specified in the act, and they were the pell records, which were so transferred from the Exchequer to the Rolls. But the documents referred to in the returns had no relation whatever to the pells, but were documents over which the Rolls had no power to exercise any control. The papers which had been destroyed were not of the nature of pells, but were entirely of another character.

The *Earl of Aberdeen* was sorry to say that a great deal of carelessness had been displayed in the destruction of these records. He had no doubt that a great portion of them were utterly worthless, as the noble Lord had before stated. But the persons who had been employed in this proceeding had either performed the work very negligently, or were incompetent to the task. He understood, that at present, most of the papers which had been mutilated and sold, were in the hands of auctioneers in the metropolis, for the purpose of being sold to the highest bidder, and therefore, they could not have been so worthless as the noble Lord had described them. By mere accident, however, he (the Earl of Aberdeen) saw some of those documents on Saturday, when he happened to be at the British Museum on other business of the trust. A portion of these very papers had been brought to the Museum for sale; they had fallen into the hands of a bookseller, who made up a lot for that purpose. They referred to various subjects, and no doubt the trustees of the British Museum would purchase them; but he thought it was a little hard that the public should be made to buy their records in this fashion. He had the curiosity to look at these papers, and the first thing he saw was a letter from the Papal Secretary of State to Leo X., addressed to Cardinal Wolsey, transmitted with the cap and sword of state, which it was customary for the Popes of Rome to send to the favoured foreign princes of Christendom from time to time. The next document, which consisted of several sheets, was a list and description of the jewels bought for the use of Queen Elizabeth. He also heard of another paper, which he did not see, which was an account of the expenses of Charles 1st. during his imprisonment. It might be asked, of what use could these papers be? In this philosophical age it might be difficult to assign any particular use for them; but it could not be denied that history, more or less, was made up from such documents, and there was always a strong desire among the learned and wise to preserve them. He did not think that such papers ought to be sold or destroyed. On looking at the return which had been presented by desire of the noble Lord (Redesdale) it appeared to him that the business had been gone into in a way that could not be satisfactory. Sir John Newport wrote about the "unpleasant and disagreeable business in which he was engaged," and the chief clerk also wrote in the same style, and seemed to think that his health would suffer from poring over those musty records. If those persons undertook the work in that way, what could be expected? He knew that there were persons who would have sat down to such a task with as much appetite and delight as others would sit down to a feast. He thought, most undoubtedly, that negligence existed somewhere.

Lord *Monteagle* said, he must say a few words in justice to his right hon. Friend who preceded him in office, for personally, the House would please to recollect, he had no concern whatever in this proceeding, having been called on to become Controller of the Exchequer after the destruction of those documents. Still he was not the less disposed to do justice to his right hon. Friend. When so much was said about the destruction of important papers, noble Lords, and particularly the noble Earl, seemed to exclude from their memory, that had it not been for the interposition of his right hon. Friend, the whole of the papers would have been destroyed. For fifty years previously, the records in question, about which so much anxiety now was expressed, were left in an open vault, subject to the irruption of the tide from the Thames, and they might have been destroyed but for the interposition of his right hon. Friend. That fact was proved by the documents now before the House. But it had been said that carelessness had been manifested in the discharge of this business. Persons most conversant with the documents had been employed; and among them was a gentleman who had served under the late Lord Grenville for fifty years. In the return was a letter from Mr. Devon, who was a gentleman of great antiquarian research, in proof of the competency of the persons employed in the business. Many of the documents which had been sold might be valuable as matters of curiosity, but not as public records. Moreover, they might not be originals, but copies. Was the letter from Rome which the noble Earl had mentioned an original or a copy?

The Earl of *Aberdeen*.—An original.

Lord *Monteagle*, then, doubted extremely whether that document came out of that lot which was sold. They might have come out of the pells.

The Earl of *Aberdeen* said, there could be no doubt that a great deal of matter of the same description might have been discovered; but that was a reason why they should have been examined with more accuracy. Had they been all Exchequer records, a cursory examination might have sufficed. But they were composed of a vast variety of materials; and he would only say, though not very much accustomed to such documents, he found no difficulty at all in reading those to which he had referred. Therefore there must have been great negligence and want of attention, or the examination would have been more complete and satisfactory. He should be much surprised if the public had not to purchase other records besides those he had mentioned.

Lord *Redesdale* referred the noble Lord (Monteagle) to the Act of Parliament on the subject, and said his reading of it was very different from that of the noble Lord, It was clear to him that the records were transferred to the custody of the Master of the Rolls by the first clause of the 1st and 2nd of Victoria, cap. 94, and that the proceedings of the Exchequer had been illegal. The return itself furnished a clear proof of negligence, inasmuch as Mr. Devon wrote to the Controller of the Exchequer on the 24th of March, 1836, stating that the ancient documents were lying in a vault which exposed them to destruction, but not one single step to save them was made until March, 1838; so that after they had been pointed out as being in a perishable condition, they were allowed to remain and rot for two years more. Then, with regard to the proceedings of the Exchequer, it appeared that there were about "a hundred boxes of papers so piled upon each other, that the contents without great labour could not be ascertained." But it did not follow that those documents should be treated as waste paper, and that a contract should be made with any person who chose to enter into it to remove those boxes at 8*l.* per ton, which contract had been made. All those documents which the British Museum would have to purchase back had been sold at 8*l.* per ton. Some private individuals had referred to him several documents which had been recovered. Some of them were more interesting than others, of course; but amongst them he met with an account of the pay of the ships engaged against the Armada, stating the number of men on board. That paper had been mutilated, but why it was mutilated he was at a loss to know. It could not be brought forward in any objectionable form against the Government. It was, at all events, a curious document, and signed by Lord Burleigh. There was another document, apparently the work of some lawyer, who was employed in an investigation of the Babington conspiracy; and some others equally curious, which he had seen. Altogether, from what he had heard and seen, he must say there had been very great carelessness. Whether there had been more than carelessness he did not feel that he was then qualified to decide upon.

Subject dropped.

VACCINATION.] The Marquess of *Lansdowne* said, that he had a petition to present which had been sent to him from a remote part of Ireland, and which was rather curious in its nature. It was signed by all the medical practitioners of the county of Galway, and he was glad that it had been intrusted to him, as it gave him an opportunity of making known, that Ireland was included in the bill for the extension of vaccination introduced by the noble Lord opposite. He was happy to say so, because the necessity for it was far greater in Ireland than in England. He was informed, by a letter received from a magistrate of the county of Galway, that persons of notoriously bad character had been going about the country bribing the inhabitants of some small village, perhaps, to allow themselves to be inoculated with the small-pox, and then going about telling all the people roundabout that the small-pox was in the neighbourhood, and obtaining money for inoculating the people as a preventive.

The Earl of *Rosebery* expressed a hope that the provisions of the bill would be applied to Scotland as well as England and Ireland, otherwise the benefits which were to be expected from the measure would be counteracted, or, at any rate, lessened by increasing the danger of contagion. He did really hope, therefore, that the noble Lord, who with so much promptitude and spirit had introduced the bill, would communicate with the noble Lords near him who were connected with Scotland, and that he would also enter into some communication with the Lord-advocate for that country, so that some mode might be devised by which the bill might be extended to Scotland as well as England and Ireland, and thus be rendered more efficient.

Lord *Ellenborough* admitted that the

measure would be more efficient if it could be applied to Scotland; but he found that the only available body with whom he could co-operate were the Kirk Sessions, and they had no funds to work with. The House of Commons might be able to supply the requisite funds, and would possibly approach the Kirk Sessions with a better chance of success.

Petition laid on the table.

CANADA—CLERGY RESERVES.] Viscount *Duncannon* laid on the table, by her Majesty's command, an act passed by the Legislature of Upper Canada relating to the subject of the Clergy Reserves.

The Archbishop of *Canterbury* said, that he should have expected from her Majesty's Government some explanation of what was intended to be done with respect to that measure, and he apprehended that their Lordships would be of the same opinion when he stated to them what the contents of that bill were. Probably it might not be known that the provision for the Protestant Church establishment in Canada consisted, solely of those clergy reserves. Now, it was provided by an act passed in the year 1791 that those lands should be set apart for the maintenance of the Protestant clergy in Canada. It would be exceedingly improper in him to advert to all the proceedings which had taken place upon this subject, but he would remark, that in order to prevent any improper interference by the local Legislature with these reserved lands, it had been enacted, that any act of that body which altered the disposition of those clergy reserves should be laid for thirty days before both Houses of Parliament before it passed into a law. Now, this bill did not alter or vary, but actually repealed, the act of 1791. It gave one-quarter of the reserved lands to the Church of England, one-quarter to the Church of Scotland, and two quarters, one-half of the clergy reserves, to the Dissenters of every denomination in that country. Now, this was a bill which he considered so entirely objectionable in its principle, and so objectionable also in its details, that he had looked with anxiety for some statement from her Majesty's Government as to the views which they entertained in relation to that measure. The bill was to be laid before Parliament for thirty days, and some of those thirty days would fall into the Easter holydays, so that the provisions of the act of 1791 would not in effect be complied with. He did conceive, therefore, that it was rather unfair to their Lordships, who must feel an interest in a concern of so much importance as the maintenance of the church in Canada, not to allow them a longer time for the consideration of the subject. He conceived that the Government had also done wrong in another matter. Their Lordships knew that great objections were entertained to that bill in Canada, and time ought to have been given to those parties in Canada who conceived that they were aggrieved by the bill, in order to make known the reasons for their opposition. There was another point to which he wished to call the attention of their Lordships. These clergy reserves were not sufficient at present for the maintenance of the clergy—very far from it indeed; and yet these resources being inadequate for their present object, it was the intention of this bill to distribute the clergy reserves amongst all the religious denominations in that country. As he had already stated, the Church of England was to have one quarter of those reserves, the Church of Scotland another quarter, and the remaining two quarters were to be distributed amongst the various denominations of Dissenters in that country, whom it was almost impossible to enumerate. There was another peculiarity in this bill, namely, that the act of 1791, having been passed for the support of the Protestant clergy in Canada, this bill distributed half the reserved lands among the several sects of Dissenters in that country, amongst whom Roman Catholics were included. He had made these observations, because he felt that he should have failed in his duty, and because the church would have considered it a great neglect of duty, on his part if he had lost a moment in calling the attention of their Lordships to this question. It was not a party affair. God forbid that he should approach such a subject with any party feeling whatever. It concerned the very existence of the church in Canada. This was the beginning of a principle which was now working, and had been working for some time. Proceedings for a similar end had been in contemplation, and, whether legal or not, had partly been put into execution in another colony where the same considerations for the application of the principle did not exist—

he meant in Australia, where sixteen or seventeen twenty-thirds of the population were members of the English Established Church. In that colony, also, reserves had been set apart which had since been resumed. He wished to say nothing unfair, and therefore, he would only say, that reducing the Church of England to an equality with all the sects, and depriving it of all the revenues which had been set apart for its support by Parliament in former times, was at least a sudden proceeding. He would, however, go no further into this subject. He might, perhaps, be told that he had acted unfairly in saying so much already, but he justified himself on the urgency of the case. Their Lordships had but twenty-three days at the utmost to deliberate on the subject, and he most earnestly recommended this measure to their Lordships' attention, and asked them whether by their silence they would assent to a measure which tended very nearly to the extinction of the Church of England in Canada. This bill was also highly reprehensible on another ground. When every religious party in Canada was struggling to increase its numbers, their Lordships might easily guess to what a height religious dissensions would arise under the present scheme for distributing the clergy reserves.

Viscount *Duncannon* was exceedingly sorry that the most rev. Prelate had misunderstood the objects with which he had laid the bill on the table. It had been far from his intention to take the House by surprise, and raise a debate without any notice, and therefore he had intended, when the most rev. Prelate interrupted him, to move that the bill be printed, so that it might be placed in their Lordships' hands. He had no doubt when that was done that an explanation would be given of the measure.

Viscount *Melbourne* did not mean to accuse the most rev. Prelate of any unfairness in making the observations which had fallen from him; but, on the other hand, he must say, that the charge of unfairness which he had made against her Majesty's Government was not one which could in justice be sustained. The Government had done that which was prescribed by the act of Parliament. The Government were directed by the act of Parliament to lay the bill on the table of the House, and if the bill were unobjected to for thirty days after it had been laid on the table, it would be competent to the Government to advise her Majesty to give that act the Royal assent. It was for noble Lords who objected to the provisions of the bill to take any measures with respect to it which they might think proper. As to what the most rev. Prelate had said about the period of time allowed for the consideration of the bill being too short, he might remark, that their Lordships were in the habit of taking a very long period for deliberation on measures coming before them, and deferring business somewhat unnecessarily; but, admitting the great importance of this subject, still he thought, that considering the knowledge they already possessed respecting it, and the discussions that had taken place upon it, thirty days was a period amply sufficient for examining the measure, and for enabling any noble Lord who had objections to it to interpose in the manner that was competent for him. He could not think, therefore, that in pursuing the course which the act of Parliament obliged them to take, her Majesty's Government had at all laid themselves open to the charge which the most rev. Prelate had thought proper to make against them.

The Bishop of *London* expected, that when her Majesty's Government thought fit to lay a bill of such vast importance on the table, they would at least have given their own opinion as to the merits of the measure. If there were no other reason for forming that expectation, he had at least a reason in the announcement which had been made in another place by the noble Lord, the Secretary for the Colonies, that when the present bill was laid upon the table, he would accompany it with an intimation whether the bill was or was not to receive the sanction of her Majesty's Government. They had now heard from the noble Lord that it was the intention of Ministers to advise her Majesty to assent to the bill, and he had heard it with the greatest pain. He would not hesitate to say, that if ever an iniquitous or unconstitutional measure had been presented to that House by any Ministers, the bill now before them deserved to be called so. It was not without reason that he made that declaration; he should be in due time prepared to justify it, and he trusted that their Lordships would be prepared to interpose the shield of their protection between the Established Church of the kingdom and the heavy blow now aimed at it by this bill. The bill professed to forward the interest of religion, and it would promote dissension; it professed to consult the good of the Church, and would despoil it of all its property. It would, indeed, restore to it a fourth part of that property, but in such a manner as very considerably to diminish its value. With regard to the time allowed for its consideration, although he thought that twenty-one minutes would be sufficient to convince their Lordships of the impolicy of the bill, yet it was always necessary, when a subject of such vast importance was to be discussed, to take time for collecting and considering the details of the measure. He thought twenty-one days a very short time, considering the number of peers who were absent from the House, and the various legal and constitutional questions involved in the measure. He did not think it at all impossible that their Lordships might deem it necessary to ask for the opinion of her Majesty's judges on the bill, during the interval that would ensue before the Royal assent could be given. He confidently anticipated that a perusal of the bill would induce their Lordships to come down in strength to interpose their authority between the Government and the Established Church, and reject this bill.

Lord *Holland* said, that both the most rev. Prelate and the right rev. Prelate had spoken of this bill as if it had come up to their Lordships from the House of Commons. They seemed to have overlooked the fact that it was not a bill introduced into this Parliament, but a measure that had received the sanction of the colonial legislature, including the representatives of the persons who were interested in the subject.

Lord *Ellenborough* said, that considering the very great importance of this measure, and the deep interest which was felt in it by the inhabitants of Upper Canada, he confessed he did not think that her Majesty's Government could in fairness to the Legislature and people of Canada have delayed laying it on the table for a single day. At the same time it was very inconvenient that it should be laid on the table at this particular moment, not only on account of the circumstance stated by the most rev. Prelate, that there were but twenty-three clear business days for considering it, but on account of the absence of very many of the judges from town. He had no doubt that the most rev. Prelate would try to induce the House to ask the opinion of the judges, it being his conviction that the colonial legislature had exceeded the powers of what was called the Quebec Act in passing such a measure. As to that point he would not at present pronounce any opinion, but at the same time he could see that on the face of the measure there were doubts, and it would be very desirable that they should have the opinion of the judges as to the legality of this proceeding on the part of the Legislature of Upper Canada. As to the measure itself, they had heard the right rev. Prelate pronounce a very strong opinion against it. The bill having been only just laid on the table, he could not say that he was well enough acquainted with its provisions, or with the grounds on which the Legislature had proceeded in passing it, to be capable of giving a decided opinion upon it; but he knew that after long discussion a majority of the assembly, fully and freely representing the people of Upper Canada, had agreed to it as a measure of compromise for settling the most difficult and dangerous question that had ever distracted that country. That being the case, he must say, that it would not be without great difficulty and much hesitation that he should be induced to join in any address to the Crown asking her Majesty not to give her assent to this measure.

The Duke of *Wellington:* When did the bill pass through its stages in Canada.

Viscount *Duncannon* stated, that the bill had passed the Upper Canada House of Assembly on the 15th of January 1840, and the Legislative Council on the 20th of January, 1840.

HOUSE OF COMMONS,

Monday, March 23, 1840.

MINUTES.] Bills. Read a first time: —Consolidated Fund. —Read a second time:—Drainage of Land Sewers.

Petitions presented. By Messrs. Villiers, Liddell, Baines, Divett, M. Philips, Wallace, Hume, and Sir H. Vivian, Sir G. Strickland, Sir H. Fleetwood, and Sir H. Parnell, from a great number of places, for, and by Messrs. F. Grattan, H. N. Burroughes, Burrell, Compton, Waddington, Plumptre, Christopher, Williams, Handley, R. Palmer, and Sirs E. Knatchbull, C. Burrell, J. Y. Buller, T. Acland, E. Filmer, and Lord Worsley, from a great number of places, against, the Total and Immediate Repeal of the Corn-laws.—By Colonel Sibthorpe, Sir E. Filmer, Sir R. Inglis, Mr. Christopher, and Mr. Acland, from a number of places, for Church Extension.—By Mr. J. Round, from Chelmsford, against Union Workhouses.—By Sir E.

Filmer, from places in Kent, Mr Christopher, from one place, and Lord Sandon, from Liverpool, against any further Grant to Maynooth College.—By Mr. Baines, from Kendal, and Stafford, against Church Extension.—By Mr. Acland, from the Deanery of Bath, against the Ecclesiastical Duties and Revenues Bill.

CANADA]. Lord *J. Russell* said—Sir, I have been anxious to take the earliest possible opportunity, after the arrival of the proposals of the Governor-general of Canada, to bring under the consideration of the House the important subjects to which those proposals relate, and I cannot but feel that the importance of the subject will of itself induce the House to pay the utmost attention to my statement. The subjects of her Majesty residing in Upper and Lower Canada, amount to more than 1,000,000; some calculate them at 1,100,000; and some at 1,200,000. They reside partly in one of the great valleys of the American Continent, near the great outlets which communicate with the interior of America, and partly near that series of magnificent lakes which are on the borders of Upper Canada. To provide for the interests of such a population, and to establish the species of Government which is best suited to that population, likely to increase not only by birth but by emigration, must, I am convinced, be to the House a matter of deep interest. But, Sir, beyond this I am anxious to bring forward a measure which may, if possible, put a stop, except on very rare occasions, to that interference of Parliament which has been rendered frequently necessary of late years. It is now nearly twelve years since Mr. Huskisson, holding the office which I have now the honour to hold, stated the grievances, which, as he conceived, affected the people of Canada, and especially the people of Lower Canada, and he induced the House to appoint a Committee to inquire into the subject connected with the Canadas. Since that time there have been various measures, various inquiries, and events of deep importance. There was the report of the Committee of the House of Commons, there have been inquiries by several Committees, voluminous documents produced, going into almost every detail connected with the state of the Canadas, with their laws, with their institutions, with the peculiarities of some of those institutions, and pointing out remedies for certain grievances. There have likewise occurred, in the course of that time, in two successive years attempts to separate those provinces from their allegiance to her Majesty, by open insurrection in the Provinces, and by the inroads of armed banditti from without. These, Sir, are events enough of themselves to secure the attention of Parliament, when a measure is introduced for the purpose, if possible, of settling all these matters, and preventing the recurrence of such injurious transactions. It has, however, been thought right by her Majesty's Ministers, after all the reports that have been received—after the different missions that have taken place to Canada, and after hearing the objections made to legislation in the last year—it was thought best by her Majesty's Ministers, that some one having the entire confidence of the Government, who had taken a share in its councils, and who was informed of the various measures that had been adopted in the course of the events to which I have alluded, should proceed to Canada, and endeavour to ascertain upon the spot, combining as he would, a knowledge of the proceedings of the Parliament of this country, together with the sentiments of the Legislatures of Upper and Lower Canada, the best means for bringing these questions to a satisfactory conclusion. It was thought right that such a person should be sent over to Canada, in order to enable her Majesty's Government to bring forward a measure fortified by such authorities as would be likely to command the assent of the legislature, and be consistent with the wishes of the inhabitants of Canada. Sir, although I conceive this step not only to have been expedient, but to have become, by the course of events, necessary, in order to enable us to form such a measure and go through all its details, I confess that I could not adopt the bill which I am about to ask leave of the House to bring in, without at the same time doing an act of justice by advising the Crown to bestow some great approbation on that distinguished officer, who, being left on two occasions in a position of great difficulty and danger, manfully made head against the danger which threatened the Government then reposing in his hands, against insurrection from within and the danger of invasion from without; and who, by his knowledge of that art which he had practised under the great master of modern days, the Duke of Wellington, and by his great firmness, resisted the progress of disaffection within those provinces, and drove back those hordes which invaded her Majesty's dominions from without. It was, therefore, with great satisfaction that I brought down the message from the Crown, which you, Sir, read to the House this day. But in proceeding to state the grounds of the measure which I am now about to detail, I must first say, that I am ready to agree that the measure of an union would not have been expedient, if it had been found, as was foreseen by some, on inquiry from those interested in the settlement of these matters, that the people of Canada would regard it with an absolute repugnance. Sir, the present Governor-general of Canada has ascertained and by the most accurate means, the sentiments of the people of Canada with regard to it. I should say, that he could not obtain, by constitutional means, the general sentiments of the people of Lower Canada; but he called together the council, which was not formed by himself, but by his predecessor, and received from it certain resolutions agreeing to the principle of the union as regarded its general heads, but leaving the details to the Imperial Parliament. On proceeding to Upper Canada, the proposition was much discussed and debated in the assembly, and in the Legislative Council. Some who were in favour of it, wished to affix certain terms to it, but upon a full debate and consideration of the entire question, the assembly and council came to a resolution, in accordance with the proposition of the Governor-general, in favour of the union, and unfettered by any restrictions or stipulations. Soon after that they proposed an address, in which they alluded to certain points which they were desirous of having arranged to their satisfaction, but they at the same time expressly declared that they would not make their consent provisional upon the acceptance of these points. There being this authority from the provinces, and so much agreement as to the general proposition of an union, I will state now the evils which I think such a union particularly calculated to remedy. It was stated by Mr. Huskisson, in 1828, that great evils arose from the nature of the feudal law in Lower Canada, from the extreme complexity and intricacy of the tenures of land, and also from the fact that the state of the representation gave such a preponderance to the French race, that those of the British race found themselves aggrieved and oppressed by that superiority. Now, I think, with regard to those two evils, that an union does seem an appropriate remedy for them. The Earl of Durham has shown in a clearer manner than has been shown before how very little we ought to confound the conduct of the Assembly of Lower Canada with the views of the advocates of constitutional freedom. In fact, the Assembly of Lower Canada, while they used all the weapons of freedom, while they used the constitutional arguments for the prevalence of free institutions, were using those arguments in order to establish a gross monopoly in the hands of their own race, and to exclude from the enjoyment of those rights to which they were entitled, the general body of British inhabitants. Lord Durham has shown, I think, most clearly, that whilst to all appearance the advocacy of constitutional doctrines was confined to M. Papineau and to the leading members of the Assembly, whilst the English party were obliged to find refuge in, and had the support of, the legislative council, and were therefore obliged to take the side of prerogative, in opposition to the popular assembly, they were really more attached to those great principles of liberty which it is our pride to uphold. In fact, the Assembly used the weapons of Hampden, in support of the principles of Wentworth; and while they possessed the sympathy of a considerable number of the inhabitants of the United States, they used their utmost efforts to forward a scheme of government extremely exclusive, extremely hostile to all social and political improvement, to the general extension of British enterprise, and the progress of education. For these evils—for this evil spirit—there seems no better remedy—if we agree that Canada shall have a free Government. There is no more obvious or safer mode of proceeding, in order to put down this system of monopoly and exclusion, than to admit the inhabitants of both countries to send members to one Legislature, leaving the French race to be represented by persons of their own opinions, but depriving them of that preponderance of which they made so ill an use. In so doing, of course there are many points to which hereafter I shall have occasion to advert; but with respect to the general nature of the proposition, taking the number of the inhabitants of the provinces at 1,100,000, of which 450,000 are supposed to be of the French race, there seems no reason why the two together should not send members to the Assembly who would fairly represent the whole body, and give free scope to British enterprise and emigration, without subjecting the French to any degree of oppression. And, Sir, I have always been of opinion, that you ought not so much to blame the leaders of the French party for the use which they made of their power, dictated as it was by the singular position in which they were placed by the Act of 1791, as that Act which, while it confined them within certain limits gave them advantages in which the great mass of British emigrants had no share. I will not now discuss the policy of that Act. There may have been reasons, of which I am not a sufficient judge, which made it expedient to propose that measure. One thing is certain, that Upper Canada, which then numbered 10,000 inhabitants, has since risen to 400,000, and risen to that amount under the influence of British laws and British tenures. But I have always understood, and from those who knew the sentiments of Lord Grenville, that it was not the intention of those who introduced the Act of 1791 to make a permanent division between the two provinces, but that at a future time it would be wise in Parliament to alter the provisions which were then made. Sir, such being the general view which we take as to the expediency of an union, I think the best way I can explain the reasons which induce me to think that a free and happy government may be founded on the principle of an union between the two provinces, will be by stating the various propositions on which we are of opinion that this union should rest. The House will then see the nature of the government which we propose to establish, and be able to judge how far such a Government will be likely to attain the object which we have in view. The first question will be as to the declaration of the union. I should propose, that her Majesty should give instruction to the Governor-general to make a proclamation of the union; that no day should be fixed in the bill for this, but at the same time that there should be a limited period within which it should be declared; and I should submit, that it should not be later than six months after the passing of this bill. It is the opinion of the Governor-general, that it is most desirable that an early period should be fixed for the union. There are some special reasons which make it so desirable. One is, that the Assembly of Upper Canada is at an end in the present year; and it would be necessary, if the union were long delayed, to dissolve that Assembly, and to call a new one, which would be a measure obviously not desirable, when the two provinces were about to be incorporated. But a more general reason is, that the people of Canada are generally anxious to see a termination put to the long and vexatious struggle by which they have been agitated. I proposed last year, considering the time that would be taken in framing the various details in the articles of union, that the Assembly should not meet until the year after next; but, not only the authority of the Governor-general, but all the accounts I have received on the subject, have convinced me that it is a reasonable petition to ask of the Parliament, that as soon as possible they should terminate this anxiety, and give a settled form to the future constitution of Canada. It is obvious, that if you continue the present special council of Lower Canada—a special council made by the Governor—you are continuing a species of government which no one could wish or believe should be permanent. It could never be the intention of Parliament, or agreeable to the wishes of any portion of the Canadians, that that government, despotic in its form at least, should be continued beyond the necessity for its duration. It is clear that great inconvenience would arise from giving a more general scope to the restrictive powers of the special council—I will not say unwisely restricted, because the general principle was a right one, of giving no large and extensive powers of legislating for permanent objects to a council granted for a particular purpose. But whether they were unwise or not, it is evident that as long as it is the opinion of Parliament they should be continued, so long will restrictions exist to such improvements in the laws as are most essential to a free government. I think, therefore, for these reasons, that the declaration of an union should not be long delayed, and that in a few months after the passing of the bill a proclamation of it should be made. I come next to the constitution of the Legislative Council and Assembly, which, together with the Governor, it is proposed should form the Legislature. It is proposed, as last year, that the Crown, or the Governor acting on the part of the Crown, should appoint the legislative councillors. The report of the Governor-general states, that after consulting persons of all parties, while there were many who still adhered to their old favourite project of an Elective Council, they all agreed that if there were not an Elective Council, the best plan would be to leave the nomination as it was directed by the constitution of 1791. A great party is attached to that proposal, and I agree with them in thinking it gives a permanency and independence to the body which are most desirable. There is, then, a strong party in favour of this proposal, and no party in favour of any other, except that of an Elective Council, to which the Government has a most decided objection, and to which, on a proposition I made three years ago, this House expressed likewise its repugnance. The other House of Parliament came to a similar resolution. I propose, therefore, that the nomination of the council shall be for life, the only disqualifications being bankruptcy or crime. The Governor-general thinks it desirable that a power of resignation should be given, as it happened not unfrequently that a person who fully deserved to be placed on the list of councillors went to reside in a distant part of the country, and by entirely abandoning his duties as a councillor, swelled the list in point of numbers, without any advantage being derived to the province from his services. It is not proposed to limit the number, but we intend that they should not be less than twenty. The next question, and a most important one, is as to the future constitution of the House of Assembly. The Governor-general proposes —and the proposition seems to meet with the assent of both provinces, that the number of representatives sent by Upper and Lower Canada should be equal. It is evident, that at the present moment, the inhabitants of the upper are not equal to those of the lower province. But, on the other hand, the inhabitants of Upper Canada are greatly increasing, and, if I were to speculate on this subject, the probability, I should say, is, that in a few years the number of the inhabitants in the upper will be increased beyond those of the lower province. It is proposed, however, that the united legislature should have the power of adding members from time to time as the population increases. With respect to the distribution of these members it is proposed that thirty-nine should be allotted to each province, and should be distributed with no very great alteration of the existing boundaries. On the consideration of that question, it was found, not, indeed, that those boundaries were very long established, but that they were convenient for the purposes of representation, and that it would be extremely difficult to form any scheme in a country where the inhabitants were so rapidly increasing, either founded on population, or on area and population, which would be practically useful. However, on abstract grounds, it may seem fair and reasonable. It is, therefore, proposed that the existing division of Upper Canada should be taken. With regard to Lower Canada the proposition is, that the distribution of members should rather be founded on the divisions which existed previous to the act of '29, than on those by which members were sent to the Assembly in later times. One of the subjects referred to by Mr. Huskisson as just matter of complaint, was the division of districts; and though an act passed the Assembly for the redress of this grievance, a greater outcry was raised than before existed, and the British race became still more indignant that they had not a fair proportion of representatives in comparison to their number in the population. It is proposed now, in order to reduce the numbers to those I have mentioned, taking generally the existing divisions, that there should be a member for each county and each town. It is intended that in Upper Canada, the towns of Kingston, Hamilton, Brockville, London, Niagara, and Cornwall; and that in Lower Canada, Montreal, Quebec, and the Three Rivers, should each send one member. The rest of the members for each province are to be returned by districts, which we have called counties. In no case have we placed together counties, which before the act of 1829 were separate, but in nine instances we have combined counties which were separated into two by the act of 1829. The result will be, therefore, that thirty-nine members will be sent by Upper, and thirty-nine by Lower Canada, making a total of seventy-eight. It is intended that the province of Gaspe, inhabited chiefly by a British race, and which expressed a strong desire to be included amongst the counties of the lower province should not be separated from it. Four years have been the period hitherto established for the duration of the Assembly; and I do not see any reason for altering that practice. The next question relates to the laws, and the mode in which they are to be enacted. With regard to this question, it is proposed to give a general power to this Assembly only, but to reserve certain subjects for the assent of the Crown, such as those pointed out by the constitutional act of 1791. It is intended that the royal assent should not be given in those cases if either House of Parliament addresses the Crown, praying for its refusal. The subjects I refer to, include among others, regulations concerning the Protestant religion, and the Roman Catholic church. I next come to consider a most important subject, relating to a change proposed in the report of Lord Durham, with regard to the power of the Assembly. This question must, in its effects, deeply concern the whole future constitution and government of those provinces. It is proposed, in conformity with our own constitutional views and maxims, that money votes should not originate with the Assembly, but that a vote should never be given on such matters without a message from the governor, giving the Assembly the power of addressing him upon it. I think this a most important provision, and deeply connected and interwoven with the whole of the misfortunes which occurred in the lower, and with some of the difficulties which took place in the other provinces. Another provision connected with this point, and one which I likewise think of great importance, regards what Sir George Murray called, when speaking of a colonial legislature, its civil list. The Assembly of Upper Canada having expressed a wish that a permanent appropriation should be made for the governor and judges, it is proposed to carry into effect that suggestion. It is also intended that with regard to the civil establishment, the civil secretary, and various other civil expenses, should be voted either for a period of years, or during the life of the Queen. These amount to a considerable sum. The governor-general has not been able to make an exact estimate, but it is thought that the charge for the governor and judges will amount to 45,000*l.*, and the other expenses of civil government to 30,000*l.* We propose for this purpose 75,000*l.*, including in that sum 5,000*l.* or 6,000*l.* for pensions. Of course on the demise of the Crown the territorial revenues revert to the successor. I propose, too, what was likewise proposed in the bill of last year, that the duties included in the act introduced by the Earl of Ripon, and collected under the 14th Geo. 3rd, should become part of the Crown revenue. As this Assembly will not then have the power of originating money votes, and as I should hope that an ample civil list for the purpose of carrying on the civil government of the province, and defraying the necessary expenses of the courts of justice will be granted, I think we shall take away one great source of contention between the Assembly and the Crown. It seems to me most important that when the Assembly put forward claims inconsistent with our monarchical form of government, we should remove as far as possible those sources of dispute which afford a real ground for contention. It seems to me, that partly from defects in the constitutional laws, and partly from the defects of administration, evils which could not have occurred in that regular form of constitutional government which we enjoy, have occurred in several of the colonies, and in none more than in Canada. It is, as I imagine, not only the theory, but the general practice of our Government, that to the Executive belongs the appropriation of money, the Ministers being responsible for what they think necessary for the public service, and the House exercising that control over the grant which they think necessary. But in the colonies there is neither this division nor this control. On the one hand it is frequently the case, that persons intrusted with the confidence of the Governor are above all control by the Assembly, are totally regardless of the votes framed by the Assembly, and therefore escape that due examination and responsibility which persons holding important offices, to which great expenditure is attached, ought to be subjected. On the other hand, the Assembly not having that control which is proper and essential to the due performance of its functions, assumes the power which properly belongs to the Executive, and then, perhaps according to its own views, perhaps according to its own interests, but more frequently in accordance with the interests of its constituents, proposes votes of money, and enters on a kind of expenditure not legitimate or beneficial to the public at large. Thus, while there has been no proper control on the part of the Assembly, and undue power vested in the hands of other functionaries, the people at large have lost the benefit of that kind of government which they were told should be established amongst them; and they have neither the power to prevent improper expenditure by the officers of the Crown appointed by the Governor, nor the security that their own popular Assembly will lay out the money and taxes of the people for other than special interests, or from local motives. That which I propose seems to have a great tendency to change this abuse. I propose, that the direct power which the Assembly hitherto had with regard to money votes should be taken away and a more wholesome practice substituted. I think, at the same time, it will be necessary, without any positive enactment (for it would be impossible to introduce such a provision into the bill) but by the rule of administration which will be established by the union, that the Assembly should exercise a due control over the officers appointed or kept in office by the Governor, and over the distribution and expenditure of the public funds. Many abuses have arisen for the want of this control. I am not now going to raise a discussion on a subject on which I expressed my opinion fully on the despatch on the table, and which excited so much agitation in Upper Canada a short time ago—I mean what was then called the question of responsible governors. I am not of opinion, as I have often declared, that the official servants of the Governor should be subject to exactly the same responsibility as the Ministers in this country, because the Governor's orders issue directly from the Crown; and it is unjust that the representatives in the Assembly should visit with responsibility those who are not the authors of the acts which they condemn. But the practice has unfortunately prevailed that there has been one set of men enjoying the confidence of the Governor, forming very often a small party in the colony, distributing the revenues of the colony according to their own notions, and having the great skill and practice which long experience gives in disposing of the property and guiding the administration of the people, while there have been men ambitious perhaps, stirring perhaps, but, at the same time, of great public talents, totally excluded from all share in the administration, which seems an unfortunate and vicious system, and, I think, that by the rule of administration, a better practice ought to be introduced. In conformity with this opinion, my noble Friend who occupied the situation which I now hold (the Marquess of Normanby) informed the governor of Nova Scotia that whenever a vacancy occurred in the council, he was to fill it up by a person selected from the majority of the Assembly, whom he thought properly qualified for such a trust. The occasion of making an appointment arose soon after I succeeded my noble Friend, and the governor of Nova Scotia requested to know whether he were to act on the direction which he had received from my predecessor. I told him he was, and I know no better way of giving confidence to the provinces, and at the same time making the leaders of the Assembly practical men of business, than by appointing them to situations of official trust and responsibility. I have said you cannot lay down any positive rule for effecting this object, still less can you trust to the Legislature as your guide, because you never can adopt the advice which the members of the Assembly may give when it interferes either with the Imperial policy, or with the honour and faith of Parliament or the Crown. I would not, then, by any means, lay down an inflexible rule on the subject, but I maintain, that a general system should be adopted, by which the leaders among the majority of the Assembly should be included in the executive government. In thus making the distinction I propose to make between the powers which are to regulate the Governor-general and those belonging to the Assembly, if I did not go further I should deprive the Assembly of the power of making useful local improvements. It has been the custom with respect to these improvements, such as establishing local courts of justice, to propose a bill to the House of Assembly, and to vote the money out of the public taxes. Instead of this, I propose that they shall be brought into more regular and uniform operation under the municipal government of these provinces. In Upper Canada there is already the form of a municipal government—there are townships and elective offices, but they have likewise districts formed of two or more counties, which are attached to the local courts for the administration of justice. But the powers are extremely limited. With respect to the power of taxation in Upper Canada, it extends to 1*d.* an acre on cultivated lands, and one-sixth of 1*d.* on wild lands. The obvious effect is, that there are holders of land to a vast extent whose taxes amount to an exceedingly small sum. I propose that the power of these municipal councils shall be increased, and that they shall be enabled to lay a tax of 3*d.* an acre upon all lands. There has been a report on this subject as regards Lower Canada, which shows how useful it would be to have some authority by which these local affairs should be governed. As the matter stands, there appears to be in Lower Canada no such authority. I propose to transfer that authority which exists in Upper Canada—I mean the power of forming districts and settling the boundaries of such districts. There are, I think, fifteen in Upper Canada, and, perhaps, twenty-five in Lower Canada. These local divisions will be useful for such purposes as the improvement of the roads and the means of internal communication, and many others which cannot at present be provided for. I conceive it necessary that Parliament should provide for these things, because, as I have said, we propose, in another part of the bill, to take away the power of originating money votes. Another reason is, that as it is one of those subjects likely to lead to great difference of opinion between parties in Canada, I think it very desirable to lay down some fixed and established rules for the settlement of these districts. There is another subject which, does not, indeed, form part of the bill, but, inasmuch as it is a question of great importance, and materially affects the future government of Canada, I have thought it my duty to give it my special attention. I allude to the subject of emigration from this country. It appears that in both Upper and Lower Canada there are great difficulties in the way of emigration. The way in which the taxes on land are imposed, and the way in which the sales of land take place in Upper Canada, do form such obstacles to the emigrants when they arrive there, that they may, in a great measure, be assigned as the causes of that evil which has been so much complained of—namely, that after going from this country to Canada, the emigrants frequently pass over from that province into the United States, and there become labourers. I am convinced that some regulation to remedy an evil of this nature, is absolutely essential. With respect to the general principle of sales of land in the colonies, it appears to me that nothing is more sound or better proved to be so than the system of which Mr. Wakefield was the most able advocate—to enable a person to secure a certain portion of land. It does not force him into the auction mart, and he has not to contend with those who wish to obtain a tract of land which they do not mean to cultivate, but it enables him to obtain, at a certain rate, a fixed small portion of land—thus tending generally to increase the population, to render districts more thickly inhabited, and give an increased value to all land, besides imparting an increased strength to the population. With respect to the mode of carrying out this principle into practical effect, I do not wish to say more at present, especially as the governor-general has said he means to address a dispatch to me upon the subject. But I do think, by the introduction of a few principles of acknowledged soundness, and by taking care that the administration of the Crown lands in Canada shall be public, open, well and properly conducted by competent persons of established integrity, we shall make a great and a most desirable change in the state of Canada within a few years. Of course we must rely upon the concurrence of the House of Assembly; but I rejoice to observe that this subject was a feature in the address of that body, to which they attached the highest importance. I have now stated the general details of the plan. [An hon. *Member:* The qualification?] I do not propose to alter the qualification of electors which at present exists, nor, as I before said, do I propose to alter the duration of the sittings of the House of Assembly, but I do propose—which I certainly omitted to state—that there shall be a qualification for those elected. I propose that those persons shall be in possession of 500*l.* in land, not 500*l.* annual income. These, sir, are the main and leading propositions, both of the bill and of the course of policy I shall propose to the House. In making this statement, it is my wish to lay before the House the views I entertain, and the views which her Majesty's Government have been induced to take with regard to a subject of the greatest importance, upon which some petitions have been presented to night, and with respect to which I have laid upon the table of the House a bill passed by the Legislative Assembly of Upper Canada. I allude to the question of the clergy reserves, and I hold in my hand a despatch from the governor-general which accompanied that bill. The House is aware that by the act of 1791, one-seventh of the land to be granted, was set apart for the Protestant clergy. Power was given to the provincial Legislature to repeal that act; but it must be laid upon the tables of both Houses of Parliament, and the consent of the Crown cannot be given for thirty days after, and not then, if an address of either House of Parliament shall object to it. The subject has been repeatedly brought under the notice of the Legislature of Upper Canada — once lately, by a dispatch from the Secretary of State to Sir John Colborne. The opinion of the House of Assembly of Upper Canada upon this subject, has very little varied during a long course of years. Their opinion has, generally speaking, been in the first place, that the clergy reserves ought not to be set apart solely for the clergy of the church of England. As little are they ready to agree that these reserves should be set apart solely for the church of England and Scotland in conformity with what was declared by Lord Lyndhurst and other authorities to be the meaning of the act of 1791. The general language held in the Assembly with respect to these reserves has been, that they ought to be given to ministers of every Christian denomination; but so much difficulty is found in the way of attaining this object, that other schemes have been proposed. It has been thought that the reserves ought to be given for the purpose of education, and, in some cases, to the building of places of public worship. In 1825, when Lord Bathurst was colonial secretary, the House of Assembly passed certain resolutions in favour of appropriating the clergy reserves to educational purposes, and to the erection of places of worship. A bill to that effect was brought in and carried, by a majority of 19 to 17. An address was also agreed upon, by a majority of 21 to 9, for the appropriation of the reserves to purposes of internal improvement. In 1829 and 1830 an address was agreed to for their appropriation to the promotion of education, and the general improvement of the province. In 1831 it was resolved, that to give the reserves for the support of one church was unjust and impolitic, and they should be devoted to the advancement and the erection of places of public worship. In 1832 and 1833 bills were brought in proposing the appropriation of them to education. Those bills were, however, lost. In 1835 there were similar measures. In 1836 it was proposed to devote the reserves to purposes of general education, and in 1838 it was proposed to devote them to the maintenance of the Christian religion in the provinces. In 1839 various plans were proposed, one of which was, that the amount should be under the control of the local Legislature. With respect to the nature of the plan proposed by the Governor-General, and agreed to by a large majority of the House of Assembly, he proposes, first, that those sums of money which are now given for life, and which are placed on the territorial revenues, should be placed upon any sums to be derived from the clergy reserves. The church of England and the church of Scotland are to have half of the sums that may be derived from the same, or any rents to be derived from the appropriation of the clergy reserves. He goes on to say that the remaining half shall be divided among other denominations of Christians in the provinces for certain uses, such as registration in proportion to the number of those sects. There can be no doubt that this is a question upon which a very strong feeling has existed in Canada—so strong, indeed, that I have heard from more than one quarter that part of the insurrection which took place three years ago in Upper Canada was to be attributed far more to the excitement that prevailed upon this topic, than to any wish to separate the colony from the Crown. There are various opinions prevailing, but all of them are against the reserves being entirely appropriated to the church of England. There is a strong feeling, not only in Canada, but on the continent of North America, against the established church having there superior rights and privileges. Entertaining that opinion, they of course could not agree that there should be any peculiar privileges, or such a large distribution of these clergy reserves to the established church in Upper Canada; because, according to the accounts I have heard, the number of the members of the church of England does not amount to one-fourth of the entire population of the province. The Wesleyan Methodists have strong objections to any part of these reserves being appropriated to Roman Catholics—a feeling which does not seem to have been participated in so strongly by the members of the church of England. But however that may be, it is certain that in the Legislative council and in the House of Assembly the great majority of members of the Church of England voted in favour of this bill. That is stated in the despatch. I would rather, on the whole, say that I am content with the distribution just made by the authorities in Canada, than say that on abstract grounds that settlement is the best that could be made. Various reasons may be urged against that settlement, but I do not think they could be urged with equal weight to that of preserving the peace of the province. It seems better that that which has most disturbed and divided the people should be, if possible, settled by the various branches of the Legislature, without the interposition of Parliament. For my own part, if I had to propose any scheme for the settlement of this question, I admit I should find it difficult to form one which, on the one hand, should meet with the concurrence of Parliament, and on the other, which should not be met by the decided disapprobation of the people of Upper Canada. It is not at this day, after so long a period since the act of 1791 was passed that you can successfully argue with a people composed of many different sects, and living on the borders of the United States, upon the abstract merits of a church establishment. Paley expressly says, that if the majority of the people do not belong to the establishment, the establishment changes places. So, on that principle if the majority of the people in Canada be Presbyterians, that ought to be the religion of the establishment. Whatever my wishes may be, and whatever I may have thought possible thirty or forty years ago, I am bound to say that I do not think you can at this time impose upon the people of Canada an established church from which the great majority of the people dissent. I am speaking in the sincere wish to maintain these provinces in connection with the mother country, and I think you must be prepared somewhat to bend your opinions—somewhat to relax in your views of a policy which may be agreeable to you, and which may be stable in this country, if you desire to conciliate the opinions and predilections—no less strong—of the people you wish to govern. I have no hesitation in saying, in answer to a question put by an hon. Member the other evening, that the view of her Majesty's Ministers is this—that unless Parliament shall interpose, they will offer their humble advice to the Sovereign to give her royal assent to the bill passed by the House of Assembly with respect to the clergy reserves. I think that by so doing we shall take away from the future united Legislature one great source of discord, and establish a harmony on this particular subject, upon which the minds of the people in the provinces have been so long and so much engaged. I think that then their wishes and views would meet with a ready and attentive ear from the Sovereign and from the Parliament of the country. In all I have stated, in all my views, both with respect to the bill I have to propose to bring in, and those other questions upon which I have nothing at present to offer, it has been my earnest wish to adopt principles which tend to ensure the permanent connexion of those provinces with Great Britain. It has been one of the proudest of all our national boasts that wherever we have established colonies we have made them fit to manage and enjoy those institutions which were once peculiarly our own—that we gave them an education fitting them to become freemen, and to govern themselves according to those maxims, which as Englishmen, we most revere. In the able work on America by Mons. de Tocqueville, he says,

> "The political education of the people has long been complete; say, rather, it was complete when the people first set foot upon the soil."

It was no doubt a proud and exalted feeling of the importance of his country that caused Cicero to exclaim "*Civis Romanus sum.*" It was enough for a man to declare that, and he gained privileges all over the globe. But, however, great and proud that boast may have been, it was only temporary: it was occasional, and lasted only so long as the legions of Rome were able to enforce the terrors of her empire. But with respect to the United States of America, it is a boast that will for ever endure, that England sent forth her sons upon that soil with an education, with habits, and with feelings which have fitted them to become the parents and progenitors of a free and mighty people. You gave them that from which they will now never swerve—you gave them the love of free institutions, and you taught them the way in which the love of free institutions can manifest and exercise itself. It is my belief that you may maintain the connexion with the colonies of British North America without imposing terms which they would feel it incumbent upon them to resist, and that they may be made to add to your greatness and strength without a wish on their part to take their station on the globe as an independent nation. I believe—and it was also the opinion of Sir James Mackintosh, that the colonies, on looking at the circumstances of their situation, will see nothing to envy in those who are without the superintending power of the mother country, for they will recollect that with respect to the burthens that press upon us—with respect, for example, to all those votes which have been proposed to this House during the last month, for the purpose of maintaining the expenses of the Government and the charges of defraying our armaments by land and sea; with respect, I say, to burthens such as these they will recollect they are free from them. The arm of Great Britain protects them—the power and reputation of this mighty empire will shield them if they should be attacked. They have the opportunity of applying the produce of such taxes as they may see fit to impose upon themselves to the promotion of their own internal improvement, to the advancement of education, to the general welfare of their province. I am convinced that if you pass such a bill as that which I propose, with any such alterations which a mature consideration may suggest as necessary to make its provisions satisfactory—I say, if you can pass such a bill, and establish a permanent free constitution in British North America, under which British settlers may, on their resorting to those regions, peaceably and quietly live, you will add strength to your empire, and you will rule over subjects on the other side of the Atlantic to the full as loyal to their Sovereign as any inhabitants of the British islands. You will be establishing no form of slavery on those distant shores, but you may rest assured that while your power and reputation will be extended, their freedom and happiness will be secured.

Mr. *Hume* could not allow the motion to pass, without making some observations on what had fallen from the noble Lord. The noble Lord, at the conclusion of his speech, spoke proudly and fairly of free institutions. He was also occupied for a considerable time in pointing out, that nothing but misrepresentation and misgovernment had prevailed in Canada, for the last fifteen or twenty years. He had spoken of this in that glowing language he was so capable of using, but he wished to ask, whether this bill established anything like free institutions—whether a people, living at such a distance, should have all their regulations framed by individuals in Downing-street—and how the noble Lord could flatter himself that the public, either here or in Upper Canada, entertained the hopes he had expressed? He asked the noble Lord whether he had not pointed out that, for fifteen years, whether the people of that province had not, by large majorities, passed a bill with a view to settle that question, which the noble Lord stated to be most important—and whether these bills, the expressed wish of nineteen-twentieths of the population, were not rejected? This the noble Lord had given as an instance of the beautiful result of our establishments and education in other parts of the world. What did the noble Lord ask the House to do now? He told them that her Majesty's Ministers would advise her Majesty to give her sanction to this bill, not that it was in his opinion right, but because a certain majority in Upper Canada had passed the bill, and the noble Lord said (which to him was most astonishing) that if that bill passed, the question would be settled in Canada. He asked the noble Lord, was this bill right or just to the people of Canada, which was passed by a packed Assembly, and to which the greatest possible dissatisfaction at this moment existed, and nothing that the House could do in withholding, or in allowing the Ministers to give her Majesty's consent to that bill would promote peace. He told the noble Lord he was as much mistaken in expecting peace from that bill as he was in passing his revolutionary resolutions of 1837. Three years had passed, and what was the noble Lord about to do? He was about to concede, as the only means of conciliation, that which was asked in 1837, and might then have been conceded with effect. He told the noble Lord he was as much mistaken in the effect of the Clergy Reserves Bill as he was in the effect of those resolutions. On the contrary, it would be, to the last hour that Canada had its present Government, a source of discord. Would the noble Lord allow him to tell him the members of the Church of England at this moment in Upper Canada were not one-tenth of the population? Did not the noble Lord think this measure was contrary to the feelings of the Canadians, and that it would promote discord and disaffection? He was not disposed to go back to the numerous cases of impropriety in the proceedings of the Government in Upper Canada, but he had no hesitation in saying, that if the noble Lord or his predecessors had been disposed to give that which they were now disposed to give, they would never have heard of civil war or disaffection in any part of these provinces. He held in his hand a paper containing an address of the Speaker of the House of Assembly in 1830, stating what they wanted, and it was impossible for any man on seeing that paper not to lament mismanagement which had kept those provinces in a state of discord. The reports and the committee to which the noble Lord had referred all pointed out those things. The noble Lord said, "the Queen's Government had no desire to thwart the Representative Assemblies of British North America in their measures of reform and improvement." That was not so, because up to the year 1837 they had invariably thwarted all attempts at reform and improvement. "They had no wish to make those provinces the resource for patronage at home." Nothing could be more creditable than this. And he said, therefore, when he saw that address, and read in a newspaper the message of the Governor-general, dated Toronto, January the 14th, that "he had received her Majesty's commands to administer the government of these provinces according to the well-understood feelings of the people, and paying to their feelings the deference which was due to them," and that "it would be the earnest desire of the Governor-general to discharge his trust in accordance with these principles," that had such a message been delivered at any time prior to 1837—we should have had no civil war, but every thing would have been peace and concord. Every Assembly for the last twenty years had asked that their wishes should be attended to. Those provinces had been made a source of patronage from first to last, in the shape of grants of land and sinecure offices, and interruption of those improvements which had been attempted in the laws of these colonies. The noble Lord had talked of the free institutions of this country; but the noble Lord seemed to have forgotten that in all our colonies those institutions had been hampered by the British Government, and even in America itself, on the British origin of whose people the noble Lord appeared so much to pride himself, it was only after an open resistance to our authority that free principles had become triumphant. Canada would not be tranquillized with a cost less than from 5,000,000*l.* to 6,000,000*l.* Yet Government could from the first have settled all the difficulties of the question by yielding to the just claims of the Canadian people. Lord Glenelg, though an amiable man in private life, was the person who led the country into all those embarrassments, and yet, instead of having been immediately removed from office, as the source of all those evils, he had been rewarded with a pension of 2,000*l.* a-year. At the time of the extraordinary course taken by Sir Francis Head in Upper Canada, one of the individuals whom he (Sir F. Head) had violently removed from office was a Mr. Baldwin, and that gentleman had been sent over to submit to the British Government the real state of Canada. Yet what would the House think of the manner in which the colonial affairs were administered, when it was told that Lord Glenelg had refused even to see this Mr. Baldwin after he had taken such a voyage, for such an express purpose. This incident he merely mentioned to show that the Government now were about conceding nearly all that had been then required for the peaceful settlement of the colonial affairs. If the demands or suggestions of Mr. Baldwin had been then attended to, if the truth had been heard and acted on, all the evils that had since occurred would have been spared. They were all, however, aware that when matters were proceeding so far, Sir Francis Head had to be recalled. He was glad to perceive, as he did by some newspaper, that Mr. Baldwin had recently been made Solicitor-

General; and he would venture to say no single appointment could be made by the noble Lord which would get him more credit in the country, in consequence of the deserved esteem in which that gentleman was generally held, and the confidence which was placed in him by the people. He differed from the noble Lord in many of the details of the proposed bill, but he would take a future opportunity of explaining at greater length the reasons why he did so. He asked, however, was the bill what the colonies demanded? They wanted the control of their own resources. They wanted to have the power of controlling the civil list to such an amount as they thought proper, and the authority to regulate the annual supplies for all the ministerial and executive expenditure? The colonial administration should be made to act in unison with the House of Assembly, as the House of Commons in England did with the Government. A power analogous to that to which he alluded did not exist in Canada, for the best measures introduced for the general good were stopped and thwarted by the Legislative council. They only asked to be allowed a privilege similar to that which the House of Commons here had—the control of their revenues, and the settlement of the question of the clergy reserves. Was it possible for any person who might emigrate there, and determine upon spending his life in the colony, to be satisfied if he did not possess those advantages? The object of the union of the two provinces was said to be with a view of strengthening the connection with England; but did any one think such a result would follow, unless the united Assembly had the complete powers which any one single assembly should have. There was a great majority of French Canadians, and, from what he could learn, they were much wronged by the allegations made against them; but, although this union might press heavily upon them, he hoped they would not oppose it, because one good government was cheaper than two, and, therefore, while he expressed a hope that the union might take place, he also hoped the noble Lord would give proper and constitutional powers to the united assembly, by adopting which plan alone, peace or contentment could be expected in those colonies. Did he believe, however, that they would, if this was not granted, assemble two years without demanding the control of their own affairs? The interference of Downing-street would still create discontent, and, if the Assembly of the United Canadas was fairly elected, they would not submit to the treatment which a part of the bill in question proposed. The question of the clergy reserves would be one of the chief bones of contention; it would be most difficult to settle, and, for his own part, he would recommend that the question should be left untouched, until the united Parliament of both the Canadas could settle it. He would conclude, protesting, on the part of the colonies alluded to, against the conduct which had been pursued towards them by the British Ministry for the last twenty years; and expressing a hope that the present Government would take warning from the example of the previous Government of the Canadas, and do nothing which would again endanger the peace and tranquillity of those colonies.

Sir *R. Inglis* rose to protest against the latter part of the noble Lord's speech which related to the clergy reserves. The hon. Member for Kilkenny, in his elegant phraseology, told them that the Church reserves, as settled by this bill would be a "bone of contention;" he, however, was satisfied that that House and the other House of Parliament would not so far neglect their duty, as to suffer that bill to remain a part of the law of the land. What had the Assembly to do with this matter? Were they dealing with property of their own? Property made over to the Protestant clergy could not mean Popish clergy. Suppose, that, instead of this property having been made over to the Protestant clergy, it had been made over to the corporation of London. Where was the legal difference between an original grant by Act of Parliament and by charter to a Protestant clergy, and the property being made over to any given corporation in England? In either case was it not equally clear that it was not the intention of the granter that the Legislative Assembly should exercise any authority whatever over it? Could it be contended by any person who had read the debates at the time when the clergy reserves were first set apart, that it had ever entered into the contemplation of any person whatever, that they were to be applied to any secular purposes whatever, or to any other uses than the support of the Protestant clergy? The bill on the table never could produce peace in the nature of things, because it was founded on injustice. They had no right to expect any blessing to attend a measure which deprived any individual or public body, and most of all, the Church, of that property which belonged to it. The common bond of religion was the best security on which the Crown could rely for the permanency of its possessions, and this bond the bill proposed to weaken. Though the colleagues of the noble Lord had not undertaken his defence against the attack made upon him by the hon. Member for Kilkenny, still he trusted they would take some occasion to reply to the attack which had been made upon a late Governor of Upper Canada. Had the hon. Member for Kilkenny read Sir F. Head's despatches? Had he not rather derived his information from certain gentlemen now happily expatriated from the Canadas? Protesting against being supposed to be bound by the recommendations which the noble Lord at the head of the Colonial department—recommendations which the noble Lord admitted were not founded on his own conviction, but, upon a desire, (which according to the hon. Member for Kilkenny would be frustrated) to promote the peace, tranquillity, and prosperity of these colonies—he should not further detain the House, but should reserve his observations, for the future stages of these measures.

Mr. *Pakington* said, that although it might be improper to enter into the details of a bill not yet before the House, yet he took so much interest in the measure which had this night been brought under its consideration, that he could not refrain from saying, that with regard to one of the measures, that for effecting the union of the two provinces of Upper and Lower Canada, he entertained grave and serious doubts whether it would be productive of all those advantages which the noble Lord seemed to anticipate. With regard to the Clergy Reserves Bill, he begged to say it met with his strongest and deepest disapprobation. He could not avoid thus early expressing his entire condemnation of the principles upon which that bill was founded. Though he admitted he had seen the provisions of the bill, he would abstain from going into them until the House was fully cognizant of them. The House had, however, heard from the hon. Member for Kilkenny that this bill relating to the clergy reserves was not calculated to restore peace and harmony in those colonies. He was of the same opinion, because he thought its provisions would create dissensions amongst the numerous sects which would be admitted to a participation in the clergy reserves. Besides this, he held the bill to be founded on impolicy and injustice, for he believed the majority of the people wished to retain the means of supporting the Protestant as the standard religion of the colonies—not in any intolerant spirit, but with a view to the maintenance of that Christianity, without which the prosperity of no country could long be secure. The bill was a departure from the solemn promise made by the Imperial Legislature in the statute of 1791, and as such it was a measure of spoliation and destruction. There were two or three questions which he wished to put to the noble Lord on this subject, and he would either put them now or postpone them to another occasion, if more convenient. The first question involved a matter, as he conceived, of great importance, and he thought, that however the noble Lord might differ from his views on the Clergy Reserves Bill, at all events the noble Lord would admit, that whatever measure might be passed on that subject, there ought not afterwards to be any doubt or difficulty as to its legality. He, therefore, wished to inform the noble Lord that serious doubts had been expressed to him as to whether the passing of the bill by the provincial Legislature was consistent with the laws and constitution of the colony. There were two points of doubt—one as to whether or not the Legislature of Upper Canada, under the provisions of the Act 23 Geo. 3rd, had any right to pass a Clergy Reserves Bill which should have a retrospective effect. The other point arose under 7 and 8 Geo. 4th, which provided that the proceeds from the sales of reserves should be invested in English funds; whereas the present bill proposed their investment in the colonial funds. These points comprised his first question to the noble Lord. The second question had reference to the different denominations of sects which were to be benefitted by this bill; or, in other words, to have a share in the reserved lands. Would the noble Lord have any objection to lay before the House a list or return of the sects recognized by law in Upper Canada? The third question was, as to what construction the noble Lord meant to put on the provisions of the statute of 1791, which required a Colonial Bill to lie thirty days on the table of both Houses of Parliament before it could receive the Royal assent. Did he mean it to be construed as thirty days of the sitting of Parliament, or thirty days including the adjournment for the holydays?

Sir *C. Grey* said, that there had appeared nothing upon the face of the noble Lord's statements, or in the bills which he had laid upon the table, from which it could be argued that the Government had paid the slightest attention to the threats of the Canadians; nor could it be perceived, on the other hand, that there was any tendency in the measure to sacrifice the rights of the French Canadians, or to attack in the sweeping manner that was asserted the tithes of the Roman Catholic clergy. These points being satisfactorily clear to his mind, he must say, there was nothing whatever in the bill to which he could not give his conscientious approbation and support, though it was entirely new to him in all its parts, and had been made known to him for the first time that evening. If there was anything he could wish to be altered or amended, it was the addition of some provision by which the colonists of a different religion should be located separately, each sect or creed having its own location apart from the other religious sects. He could not say that that part of the measure relating to the clergy reserves, would produce entire satisfaction, but he was certain that it would lessen the discontent which had so extensively prevailed in Canada on this subject. He could see so much of general advantage in the noble Lord's bill, that he hoped the hon. Member for the University of Oxford would abandon his intention of proposing an Address to the Crown in opposition to it. When he was in Canada, he thought with Sir G. Robinson and other high law authorities, that according to the spirit, if not the letter of the act, the clergy of the Protestant Church of Scotland, as well as those of England, had an undoubted claim to a share of the revenues, and that it would be most unjust to yield to the exclusive claim which the latter had so tenaciously held respecting these lands. However, he did not think that the clergy of any other persuasion could make a legal claim. It had occurred to him then that the best solution of the difficulty would be to sell the reserves as soon as possible, and then divide the proceeds fairly between the clergy of the English and Scotch Protestant churches. The Roman Catholic clergy were already amply provided for. Then if the Dissenters were reasonable, their clergy might be provided for in those ecclesiastical districts in which their congregations should be found to embrace the majority of the inhabitants, or they might have small provisions allocated to them out of the remaining waste lands. He thought the Crown ought to be advised to concur with the colonial legislature in a measure which provided a decent maintenance for each dissenting minister, by attaching a certain quantity of land to his residence. The present was not the measure that he himself should recommend; but remembering the observation of the noble Lord, that it would be impossible to frame a bill which should meet the wishes of all parties at the same time, he thought they should bend a little in each direction, and yield up a considerable share of their individual opinions for the sake of the colony. There were in it members of many different religious persuasions it was true, but then, they were all living under a common constitution. The present measure seemed the best that had yet been devised to meet the necessities of the province; and he thought that, for the sake of its just and conciliatory character, they ought to agree to pass it, especially as it had had the approbation of the colonial legislature.

Sir *R. Peel* said, if the House were at this moment to enter into a discussion of the subject, it would be in the absence of most important documents—in the absence of the enactments by which the noble Lord proposed, in case of the union of the Canadas, to carry it into effect; and next, without the knowledge of the provisions of the bill by which the colonial Legislature proposed to deal with the clergy reserves. It might be said, that, although they were not in possession of the bill, they were in possession of its general enactments, and they might discuss its general principles. But there were other documents not before the House: he meant those despatches from the Governor-general of Canada, which he presumed the noble Lord intended to produce. So that, reserving his entire unfettered discretion to consider this measure in a manner suitable to the immense importance of the subject, and to the great interests involved in it, he was desirous of postponing the discussion with regard to the principles and details till the documents were produced — namely, the enactments to give effect to the measure, and the despatches of the Governor-general. His chief object in rising was, to ask of the noble Lord what he proposed to do with the clergy reserves of Lower Canada? The Legislature of Upper Canada had sent for the consent of her Majesty a measure respecting the clergy reserves of the united province, and he understood that if no dissent was signified in this or the other House of Parliament, the noble Lord was prepared to advise the Crown to sanction it, and he wished to ask the noble Lord, what course he meant to pursue with regard to the clergy reserves of Lower Canada?

Lord *J. Russell* said, that with respect to the clergy reserves of Lower Canada, and to the bill sent by the colonial Legislature for her Majesty's assent, he conceived, that the proceedings of the united Legislature would be subject to the provisions of the act of 1791. He was not prepared to introduce any enactment with regard to the clergy reserves of Lower Canada. There would be reserved to the two Houses of Parliament the power given by the act of 1791, and for the Crown to refuse its assent.

Sir *Robert Peel:* Then the noble Lord proposed, with respect to the clergy reserves of Upper Canada, if neither House interfered, to give the consent of the Crown to the measure that night laid on the table, thus taking from the United Legislature of the United Province of Canada any power of dealing with the clergy reserves of Upper Canada; but, at the same time, the noble Lord proposed to leave to the United Province the power of deciding on the mode in which they should deal with the clergy reserves of Lower Canada, subject only to the disallowance by the Crown, according to the provisions of the Act of 1791.

Lord *John Russell* wished to put the House in possession of what he conceived was the state of the law with respect to the clergy reserves under the bill passed in Upper Canada. If the assent of her Majesty should be given to that bill, it would not in point of form prevent the United Legislature of the United Province from legislating on the subject; on the contrary, the United Legislature would have the power of interfering with this Act if they should think proper, and might pass any new legislation, and any bill of the kind not requiring the operation of the provisions of the Act of 1791 might be assented to by the governor. He did not think that they ought to make any special legislation on the subject, and declare the present act permanent and irrevocable. If this Act were intended to be altered, either House might address the Crown to withhold its assent to the alteration, but he did not wish the present Act to be assented to on the motion that it was an irrevocable Act.

Sir *Robert Peel:* Supposing, then, that neither House should interfere with the Clergy Reserves Bill as sent from Upper Canada, and if the Crown should give its assent, the noble Lord thought that it might not be a final settlement of the clergy reserve question, even in Upper Canada; but, that, in the Union Legislature of the United Province an act might be passed to apply the reserves to the purposes of general education, or to secular purposes; but that such act would not necessarily have effect till it had been laid on the table of the House of Parliament for thirty days. Was that what the noble Lord meant?

Lord *John Russell:* Yes. He believed the United Legislature would have the power, subject to exception, as to certain parts of the property now in endowment. With regard to that portion appropriated to endowments, with respect to the rectories endowed by Sir John Colborne, he did not conceive that the Colonial Legislature would have the power to disturb the arrangement; but with regard to distribution of the remainder under this Act, one-half to the Church of England and of Scotland, and the other half in some other manner, he considered that it would be subject to review, or to new legislation in the United Colonial Legislature. The hon. Member for Droitwich had referred to the Act of 7th and 8th George 4th, which provided that the produce of the sales should be invested in the funds of this country, and asked whether the produce could be invested in colonial securities without an Act of Parliament? This was a question on which the Governor-general of Canada requested the Government to take the opinion of the law officers of the Crown; they had done so, and the opinion of the law officers was, that without an Act of Parliament, the Act of the Provincial Legislature could not be put into operation. If, therefore, her Majesty should be advised to give her assent to this Act, it would be necessary to introduce a bill into that or the other House to give effect to the Act of the Provincial Legislature, and to enable the Crown to transfer from the funds of this country to Canada the proceeds of the sales of the church lands. The hon. Member had asked another question, as to when the thirty days would expire. This was a legal question, on which he had not asked the opinion of the law officers of the Crown. The words in the Act of 1791 were merely thirty days, without any explanation. He would, however, take care to inform the hon. Gentleman what was the opinion of the law officers; but he should be unwilling to give any advice to the Crown which should take by surprise either that or the other House of Parliament. He had omitted to state one part of the provisions of the bill which he had proposed, relating to the debt and revenue; he intended that the debt of the province of Upper Canada should become the debt of the United Province. The greater part of the debt had been incurred for public works undertaken by Upper Canada; perhaps a part of those works might be for the benefit of Upper Canada, but what had taken place generally was, that Upper Canada had been ready to submit to many burthens for the purpose of making good the intercourse between the more remote parts of Upper Canada and the stream of the St. Lawrence, which was of general benefit to both Provinces; whilst the Lower Province had not lent much assistance of late years for the purpose, and, in consequence, many works had lost much of their value. The debt, therefore, was to form a debt from the United Province, and he had no doubt that the United Legislature would make provision for carrying on the works. He agreed with the right hon. Gentleman, that this was not the period when the principle could be fully discussed. He had laid several papers on the table of the House that evening, which would throw considerable light upon various topics, and he had received other communications of a confidential nature, but he would be glad to lay upon the table of the House any further information of a general nature that he could give.

Mr. *Pakington* said, the noble Lord had omitted to answer two of his questions: whether the Legislature of Upper Canada could deal with the clergy reserves already allotted, and whether the noble Lord had taken the opinion of the law officers of the Crown upon that subject; and 2ndly, whether the noble Lord would lay on the table a return of the various denominations that were to avail themselves of this distribution.

Lord *John Russell* said, as to the first question, he had not taken the opinion of the law officers of the Crown; but, if the hon. Gentleman would put the question into a regular shape, there would be no difficulty in obtaining that opinion. As it struck him, the part which had been already given by way of endowment had become the property of the clergy, and was not now liable to be disturbed. With regard to the number of sects which would derive advantage from the settlement, he had received no explanation from the Governor-general, except that they were all recognized by different Acts of the Provincial Legislature; he believed that he could lay on the table of the House a copy of those Acts, but he had no specific information as to the number of the sects.

Bill ordered to be brought in.

ORDNANCE ESTIMATES—MR. FOOT.] Mr. Bernal brought up the Report of the Committee on the Ordnance Estimates.

Sir *John Yarde Buller* understood that the right hon. and gallant Gentleman (Sir H. Vivian) had some further explanation to make with respect to the dismissal of Mr. Foot. He had no further question to ask, but he would be glad to hear any further explanation.

Sir *H. Vivian* was obliged to the hon. Baronet for the opportunity, but he had no wish to make any statement, because there was no necessity. The other night, when the hon. Baronet complained of the improper dismissal of Mr. Foot, his gallant Friend near him (Colonel Anson) had said he would inquire about it, but he repeated what he had said the other evening, that the Ordnance department had nothing to do with the appointment of Messrs. Foot, who were only the agents of the solicitor. In consequence, however, of what passed, he did ask Mr. Hignett the reason of the change; Mr. Hignett stated the reason to him, and he had asked that gentleman to reduce his statement to writing. That statement he would now take the liberty of reading to the House:—

"Office of Ordnance, 23rd March, 1840.

"Sir—In obedience to your order, calling upon me for an explanation of the reasons which induced me to employ a law agent at Devonport, in the room of Mr. Foot, who acted in that capacity many years for Mr. James Smith, my predecessor in office, I have the honour to state that upon the death of the latter, on the 24th of December last, all the law agencies, according to the rule of the Solicitor's-office, terminated. Upon my appointment by you on the 26th of that month, I alone became responsible to you and the board for the due performance of the duties of the office; and I, therefore, considered that I had a right to employ agents from amongst my own professional friends and acquaintance, wheresoever the business of the department might render it necessary, and without being required by the agents of my predecessor to assign any reason for so doing. I accordingly, very soon after my appointment by you, employed new agents at several Ordnance stations, including Devonport, and Mr. Foot is the only gentleman who has thought fit to make any complaint to me on the subject."

It appeared that fresh agents were appointed in three different places: one in Liverpool, another in Birmingham, and a third he did not recollect where. But Mr. Hignett continued—

"He has also caused a letter to be inserted in a provincial newspaper (which has been transferred to the columns of the daily London journals), in which he alleges that he has, during a period of fifty-five years, acted as the confidential agent of the Board of Ordnance and of the Ordnance solicitor, and that he has been removed from the agency solely on the ground of his having voted at the recent election in favour of a gentleman who is opposed to the Government. That Mr. Foot should have imagined this to have been the cause of his removal I can easily suppose, seeing the very strong part which was taken by him and his son at the election both of whom were members of Mr. Dawson's committee, and actually in a placard pledged their professional time gratuitously to that gentleman. In reply, however, to Mr. Foot's allegations, I beg to state that that gentleman has entirely misunderstood the nature of his own position, as well as my motives for employing a new agent: for, in the first place, he never was the confidential agent of the Board, who have no such law agent at any station. His engagement was merely a personal affair between himself and the solicitor, who might with perfect propriety and regularity have terminated the agency at any moment, and who, upon a recent occasion, actually contemplated transferring the business to Mr. Eastlake, of Plymouth. Mr. Foot was first employed in that capacity (not by the Board, but) by Mr. Robert Smith, the late solicitor's father, about the period stated in his before-mentioned letter, and he continued to act for those gentlemen successively until the death of the son. In the next place, I can assure you that the election for Devonport had nothing to do with my selection of a new law agent at that station, because I had decided upon that step previously to the 1st of January last; and I will add, that not having the honour of being personally acquainted with Messrs. Foot, I had no knowledge of their politics, or of the part they meant to take in the subsequent election. From my long experience in the law business of the department as agent of the late solicitor, I am enabled positively to state that the Board never interfered in the employment or change of the country agents, nor ever recognised those gentlemen in any capacity. I also know that the same rule is observed by the Lords of the Admiralty, and I believe by all the other public boards. This was proved a few years ago, when upon the occasion of the death of Mr. Moses Greetham, the agent of the Admiralty solicitor at Portsmouth, on application to that Board to sanction the appointment of Mr. Minchin as his successor, and Sir James Graham, the then First Lord, declined to interfere in the matter, on the ground that the responsible duty of selecting and employing proper law agents rested solely with the solicitor.—I have the honour to be, Sir, your faithful and most obedient servant,

"J. Hignett, Solicitor.

"The Right Hon. Sir Hussey Vivian, Bart.,
Master-general of the Ordnance, &c."

He thought that this letter would prove that the Ordnance Board had nothing to do with the appointment. He had, however, searched the records of the office, and he had found that the solicitor had never applied to the Ordnance Department at the time of appointment, or when there was any change. That Mr. Foot never considered himself the law agent of the Ordnance Department was clear, from this fact, that Mr. Foot, whose respectability was well known to him, was too much of a gentleman to have put his name to such a document as he would now read, if he had been the agent of the Ordnance Board:

"*The Right Honourable G. R. Dawson's Election.*

"We, the undersigned attornies, resident in the borough of Devonport, and township of East Stonehouse, have this day met, in consequence of the announcement of the right hon. George Robert Dawson, that he is a candidate for the representation of this borough in Parliament, and having formed ourselves into a professional committee, have unanimously agreed to give our united gratuitous services to the right hon. Gentleman throughout his contest.

"Devonport, November 21, 1839."

Signed, amongst others, by "William Foot," and "Josias Foot."

What would have been said if they had put their names to a similar document for Mr. Tuffnell? Would it not have been said, that if they were the agents of the board, the board was directly interfering? He asserted again, therefore, that the Ordnance Department had nothing to do with the course that had been taken. It had been stated that Captain Dundas had gone down to Devonport for the purpose of the election. This, however, was not the fact. Captain Dundas went there by his (Sir H. Vivian's) especial orders, on account of some property that was about to be sold. He wrote from Cornwall to tell Captain Dundas to meet him at Devonport on the 6th of January, as he wished to consult with him. He arrived in the evening, and he left the next morning. He saw the candidate, it was true, and the other person he saw was his friend, Mr. Dawson, who got out of bed to shake hands with him. Captain Dundas remained, and went to consult Mr. Foot, who knew the property, as to the proper value, and to ascertain some other particulars, but he had the Captain's authority for saying, that he did not canvass Mr. Foot. He said, that he hoped Mr. Foot would not oppose their friend, and his reply was, that he was one of Mr. Dawson's committee. Then the case of Underwood had been mentioned, and it was said that he was removed in consequence of his vote for Mr. Dawson. That was done, however, at the request of the officer at Woolwich, Captain Sowerby, who, reporting the serious illness of a man of the Ebenezer, submitted that Underwood should be appointed. Why, if these complaints were to be made on such grounds, they would be obliged very soon to ask whether any relation had voted for any gentleman on the other side of the House before they could send an Ordnance hoy to sea. And with respect to the whole of the Ordnance voters at Devonport, he must say again, that a clerk of the Ordnance, at Devonport, who had voted a plumper against the Master-General of the Ordnance, that same man afterwards went round the wharf with him, and he (Sir H. Vivian) especially desired that no mention should be made of that vote. There were eight Ordnance voters in Devonport, and of these four had voted for Mr. Dawson and four for Mr. Tuffnell; this was, as he thought, a pretty equal division; and he would sit down with declaring, what he firmly and sincerely believed, that there never had been an instance in which the Ordnance department had interfered improperly or irregularly.

Sir *J. Y. Buller* said, as far as regarded the right hon. and gallant Baronet himself, the explanation was sufficiently satisfactory, but it could not be denied that Mr. Foot had good grounds for complaint. Mr. Hignett, though he had been doing business for Mr. Smith during the illness of the latter, had given Mr. Foot no intimation of the intention with respect to him. The first intimation which Mr. Foot received was from a report in a newspaper, stating that he was to be removed, and another appointed in his room. On applying to the editor of the paper to know the source of the information, he was told it was a mere rumour, which turned out to be unfounded, and the editor expressed his regret at its insertion. This was the first intimation which Mr. Foot had until the appointment was given to another, and under these circumstances he had reason to complain both of the manner in which the transference had taken place, and of Mr. Hignett not having replied to his letter. He would read to the House a letter from Mr. Foot, stating the fact which preceded his removal. Here the hon. Baronet read the letter, in which the writer stated, that on the 7th of January, 1840, Captain W. Dundas was introduced to him to confer about the sale of some land belonging to the Ordnance, and to procure information respecting it. That business being over, Captain Dundas turned the conversation to the subject of the election, and asked him whether he would assist Mr. Tuffnell. He replied, that being old and in ill health, he now took no part in these transactions. Capt. Dundas then said, "But there is your son, will he vote?" Upon which Mr. Foot replied, that his son was one of Mr. Dawson's committee. Captain Dundas then left, saying, that he was staying at the dockyard, where Mr. Foot could send for him if he wanted to see him. In the letter which Mr. Foot wrote to Mr. Hignett, after stating the rumour in the paper and the other facts connected with his dismissal, he concluded by taking the liberty of asking for what fault confidence was withdrawn from one who had so long and so faithfully performed the duties which had been intrusted to his charge. Now, whether Mr. Foot was or was not displaced in consequence of the way in which Mr. Foot had voted, he must say that Mr. Foot had good cause of complaint in having had no answer nor explanation, after having written to Mr. Hignett so long ago as the 23rd of February. There was another point from which it would appear that Mr. Foot considered himself a confidential servant, which was, that having received a letter from the Master-general of the Ordnance, marked private, he did not consider himself at liberty to use it. The circumstances of the case were very suspicious. On the 7th of January the Clerk of the Ordnance talked with Mr. Foot on business connected with the Ordnance. The death of Mr. Smith, which preceded this, did not put an end to the connexion, but shortly after the election the dismissal took place.

Sir *H. Vivian* could only again repeat, that he knew nothing of the appointment of Mr. Oram; and as to the letter which he wrote to Mr. Foot, he had not the slightest objection to its being read. With respect to Mr. Hignett not having answered the letter of Mr. Foot, he had inquired into the matter, and it arose from Mr. Hignett having been engaged at an Ordnance trial at Winchester.

Mr. *Shaw* wished to make one observation in regard to the Military Academy. Some charge had been made against the Ordnance on this subject, and in the debate which had taken place in regard to the matter he had been referred to. He therefore felt it to be his duty to state, that he did not believe the appointment of cadets to that institution was in the least degree influenced by political considerations.

Report agreed to.

SEWERS.] Mr. Christopher moved the second reading of the Sewers Bill.

Mr. *Hodges* rose to oppose the measure. It was not long since he had introduced a bill for the regulation of sewers in England and Wales. That measure had been maturely considered, and was ultimately passed into a law. It had now been in operation for some time, and during the whole period since its enactment not a single petition had been presented to the House, complaining of its provisions. He therefore thought, that that act should not be repealed, unless strong reasons were shown for the adoption of such a course; and he called upon the hon. Member to state the grounds upon which the present measure had been brought forward.

Mr. *Christopher* felt a strong interest in this subject, and had last year introduced a measure similar to the present. That bill had been read a second time, and was then referred to a committee, in order that its provisions might be fully considered. The Committee, however, had not been able to sit long as he could have wished, and it was agreed, that he should introduce a new bill in the present Session, and that after the second reading it should be referred to the same committee as had sat upon the bill of last year. He did not therefore wish to press the bill beyond the second reading, and his sole object was to have it referred to a committee, in order that the whole subject might be fully considered. The hon. Member opposite complained, that this bill repealed the Act which had been carried through the House by the hon. Member, but, with the exception of two clauses, the whole of the provisions of the hon. Gentleman's bill were re-enacted in the present measure. The Act was repealed solely because he thought it would be more convenient to have only one act upon this subject. He had had communication from all parts of England approving of the principle of this bill, and only suggesting that certain alterations might be made in it when it was before the Committee. Under these circumstances, thesefore, he hoped the House would allow it to be read a second time.

Bill read a second time.

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